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Legal report on the ecosystem approach to fisheries in Seychelles

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

FAO EAF-Nansen Programme Report No. 60
EAF-N/PR/60 (En)

A decorative graphic at the bottom of the page consisting of several thick, wavy blue lines that resemble ocean waves. Scattered among these waves are several small, solid blue circles, which represent fish or bubbles.

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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policy and legal instruments of Seychelles**

By Julia N. Nakamura and Teresa Amador

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Abstract

Legislating for an ecosystem approach to fisheries (EAF) is complex, due to the holistic nature of EAF involving multiple factors that underpin the social, economic, environmental, and institutional aspects of fisheries sustainability. These factors include 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 Seychelles 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 Seychelles' 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 Seychelles. The report was drafted and submitted to the national authorities of Seychelles in October 2021. The Seychelles Fishing Authority endorsed this EAF Legal Report of Seychelles in December 2022.

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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 Kuemlangan, Buba Bojang and Minmin Lei of LEGN, Merete Tandstad of NFIFM, the participants of the mock-training, and all other FAO colleagues who supported the development of this EAF Legal Report.

We are also grateful to the delegates of Seychelles, who, due to technical issues were able to participate only on the first day of the *Second Online regional workshop on the use of the Diagnostic Tool on Implementing an EAF through policy and legal frameworks* (09–12 November 2021), and they have provided additional information relevant to the present assessment.

Abbreviations and acronyms

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
NEC	National Environment Commission
NGO	non-governmental organization
RFMO/A	regional fisheries management organization and/or arrangement
SFA	Seychelles Fishing Authority
TAC	total allowable catch
VMS	vessel monitoring system

1. Introduction: legislating for an ecosystem approach to fisheries

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

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

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

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

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

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

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 Seychelles 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 Seychelles in selected international legally binding instruments relevant to the EAF	
Instrument	Status
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	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

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

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

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 the 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 the EAF.

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.

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 Seychelles

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 the EAF, including on environment, sea, water, and wild species and ecosystems.¹

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.

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

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
1st	Fisheries policy: 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.
2nd	Fisheries primary legislation: 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.
3rd	Fisheries secondary legislation implementing or elaborating the fisheries primary legislation: 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.
4th	Other sector's primary legislation: 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.
5th	Other sector's secondary legislation: a decree, regulation, order, ordinance regulating the primary legislation of other sectors assessed under step 4.	Searching for the EAF legal requirements not found in the relevant parts of the fisheries policy nor in the provisions of any of the previously assessed legal instruments.

2.1.3 Filling in the Ecosystem Approach to Fisheries Legal Checklist of Seychelles

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 Seychelles (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. ²
X	None or in-existent	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 primary fisheries policy/legislation, or in the primary 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 rationale 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 Seychelles.

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 Seychelles Constitution of 1993, as last amended in 2020, were considered particularly relevant in incorporating the EAF legal requirements. These parts and legal provisions which, without prejudice to others that may also be relevant, were considered good examples of addressing the EAF (in the case of a policy instrument) or legislating for the 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 the EAF.

² 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.

2.2 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 **Seychelles** presented under **Appendix B**.

2.2.1 Fisheries policy

The assessed nine fisheries policies correspond to A1 to A9 in Appendix A. They cover **22** of the 82 EAF legal requirements.

The *2019 Seychelles Fisheries Sector and Policy Strategy* is founded on guiding principles of, *inter alia*, the right of every person to live and enjoy a clean, healthy, and ecologically balanced environment, as enshrined in Article 38 of the 1993 Seychelles' Constitution, as amended up to 2020; the principle of equity; ensuring no overfishing occurs; eliminating illegal, unreported, and underregulated (IUU) fishing; sustainability; the right of every Seychellois to participate in the fisheries and aquaculture sector (Page 5). Objectives of this policy include managing fisheries resources through ecosystem-based approaches; fostering optimum utilisation of those resources to ensure ecological and socioeconomic sustainability in resource-use and domestic developments, while recognizing traditional norms; promoting the use of rights-based management approaches based on best scientific research; fostering the principles of visibility, transparency, participation, and inclusivity in decision-making processes (Page 11). The policy provides for close collaboration between the ministry in charge of fisheries and other ministries, government departments and agencies, to support decision-making and policy implementation processes (Page 12). It also requires the government to foster fisheries management and aquaculture development based on the EAF; develop co-management strategies; engage with formal and informal resource groups at the government and community levels to foster stakeholder engagement in policymaking and implementation (Pages 12–13) and strengthen the MCS system and improving law enforcement and compliance (Page 21). The policy is subject to a monitoring and evaluation framework focused on measuring the outputs of each strategic action and providing the information needed to continually determine, assess and recommend the way forward towards its successful implementation (Page 24).

The *2019–2024 Seychelles Coastal Management Plan* aims at, *inter alia*, helping the maintenance and protection of coastal zones, reducing coastal risk, supporting healthy ecosystems, and enabling sustainable coastal economic development (Section 1.2.1). It sets out five priority actions to be addressed in an integrated approach, which are defined as: monitoring and research; coastal infrastructure; risk-based land planning; capacity building; and awareness-raising (Section 4.3). The latter priority action includes other specific actions such as raising awareness among the population of the importance of maintaining the coastal ecosystem resilience and flood prevention as well as strengthening collaboration with NGOs and other partners on the communication of adaptation projects (Section 4.3.5).

The *2018–2020 Seychelles Fishing Authority (SFA) Strategic Plan* has four strategic goals, namely, on effective governance arrangements; institutional strengthening of the SFA; ensuring the sustainability of fisheries resources; and optimizing the economic and social benefits of fisheries (Page 18). For each goal, the Plan describes the strategies, priority actions and timeframe. The priority actions for ensuring the sustainability of fisheries resources, include: integrating ecosystem-based and co-management approaches in all fisheries resources management initiatives; institutionalizing stakeholders' engagement in fisheries resource management; introducing measures to mitigate impacts to bycatch in tuna fisheries; agreeing on priorities and preparing action plans for collaboration with international research partners; promoting economic viability within artisanal fisheries and formalization of the small-scale fisheries sector through appropriate policies and support to fishermen's associations, boat owners and fishers (Pages 21–23).

The *2016–2020 National Plan of Action for the Conservation and Management of Sharks* was developed and structured in line with the FAO guidance for the development of national shark plans to support implementation of the International Plan of Action for the Conservation and Management of Sharks (Page 1). Its working principles include the interdependence between humans and biodiversity and the precautionary principle (Page 64). It provides for several work programmes, including on its co-management and managing effort in line with a precautionary approach, to be implemented over the period of five years (Pages 65–74).

The *2015–2020 National Biodiversity Strategy and Action Plan* has five strategic goals, which include improving the status of biodiversity by safeguarding ecosystems, species, and genetic diversity, and enhancing the benefits to all from biodiversity and ecosystem services (Page 62). It refers to central tenets essential for sound implementation, such as the precautionary principle, the ecosystem approach or ecologically sustainable development (Page 62). Its strategic goals include objectives such as to avoid overfishing by applying sustainable, legal, ecosystem-based harvesting of all fish, invertebrate stocks and aquatic plants, that fisheries have no significant adverse impacts on threatened and/or vulnerable biodiversity and the impacts on stocks, species and ecosystems are within safe ecological limits (Page 63). It also aims at protecting, through a network, viable, ecologically representative and effectively managed protected areas, including ten percent of coastal and marine areas (Page 63). The monitoring of this policy through a specialised unit, the NBSAP Unit in charge of coordinating, promoting and facilitating implementation of the NBSAP, the policy review, and the outline of projects and priorities are ensured therein (Pages 64–65). One of the projects, for example, is dedicated to the development of a sustainable and ecologically sound artisanal fishery, involving activities such as the promotion and development of co-management as a key management tool, improving MCS and particularly catch records to ascertain age at maturity, average size at catch and other key data to enable informed adaptive management of plans and fisheries (Page 94).

The *2013 National Food and Nutrition Security Policy* has a broad scope, supporting comprehensive and integrated intersectoral and interdisciplinary agenda, as well as necessary action and programs on various issues, including efficient management and diversification of

the artisanal and semi-industrial fisheries; and investments in fisheries research (Chapter 1.7). This policy follows the principles of, *inter alia*, food sovereignty and the right to sufficient, healthy and culturally appropriate food for all individuals at the centre of food, agriculture, livestock and fisheries policies (Chapter 2.1). It also recognizes fisheries among the cornerstones of the country's quest for food and nutrition security, and the need for sustainable management of fisheries (Chapter 2.2). Participation and cooperation of multiple sectors, including fisheries, in the implementation of the policy is promoted (Chapter 7.1).

The *2013 Seychelles Protected Areas Policy* establishes a national policy framework for, *inter alia*, the coordination and guidance for the planning, management, assessment, monitoring, surveillance, and research of the existing and future set of protected areas consistent with other applicable rules. The main goal of this policy is to achieve an effectively managed and multi-use protected area system that is representative, engaging all stakeholders, comprehensive, and balanced to maintain the highest quality ecosystems (Page 10). Several commitments of the government are outlined therein, including developing and publishing a formal protected areas system plan, review and update as necessary; enhancing key stakeholder participation in protected areas planning and management; and developing new programmes to enhance capacity in protected areas institutional framework with linkages to local and/or international academic research institutions (Page 11). The policy also proposes five new categories of protected areas and the criteria for the designation, namely, strict nature reserves; ecological reserves; national parks; protected landscape/seascape; and sustainable use areas (Pages 13–18). The nomination process for inclusion of these new protected areas are described (Page 19) as well as the powers and procedures for revocation/declassification (Pages 19–20).

The *2012–2020 Seychelles Sustainable Development Strategy* has the vision of contributing to the realization of the nation's economic, social, and cultural potential through an innovative, knowledge-led approach, taking into account the need to conserve the integrity of Seychelles' natural environment and heritage for present and future generations (Page 9). The policy is founded on the principles of sustainable development, interrelationship and integration, precautionary principle, conservation of biological diversity and ecosystem integrity, among others (Page 16). It provides for the establishment of the Seychelles Sustainable Development Inter-Sectoral Steering Committee, which includes broad representation and serves as a vehicle for wider consultations and information exchange on sustainable development and implementation of the Strategy and defines its roles and implementing mechanisms (Pages 26–27). It sets up a Resource Mobilization Strategy estimating the financial resources needed for each of its programmes (Page 30).

The *2019–2022 Seychelles Wetlands Policy and Action Plan* has the overarching goal of ensuring wetlands' conservation and sustainable use contributes to the country's sustainable development (Page 8). The specific six policy objectives include: ensuring the effective protection of wetlands through improved area coverage, development and implementation of management plans and legal enforcement; restoration and rehabilitation of wetlands to enhance biodiversity, improve water security, increase climate change resilience, public

access and legislation; awareness-raising and education on sustainable management of wetlands (Page 9). This policy is guided by the precautionary principle, the ecosystem approach, the ecologically sustainable development, and the interdependence of humans and biodiversity (Page 10). It contains an action plan with detailed activities, implementation agencies, organization or projects, timeframe and priority set out to achieve the policy's objectives (Annex 1). Activities include improving the understanding of coastal wetlands' importance to fisheries (Page 14).

2.2.2 Fisheries primary legislation

The assessed two fisheries primary legislation correspond to B1 and B2 in Appendix A. They cover **28** of the 82 EAF legal requirements.

The Fisheries Act of 2014 (hereinafter referred to as "Fisheries Act") requires the SFA, established in 1984 by the act briefly described below, to ensure effective management and sustainable development of fisheries in accordance with, *inter alia*, the EAF that address the societal needs and desires without jeopardising the options for future generations to benefit from the full range of goods and services provided by marine ecosystems (Section 4[b]). The SFA is responsible for preparing and keeping under review fishery management plans (FMPs) and is subject to the obligation of consultation with stakeholders, including local fishermen, on the preparation and review of the FMPs and entitled to enter into co-management arrangement, if considered necessary, in the management of a fishery (Section 5[3][4]). The content of the FMPs is detailed therein, including measures to mitigate ecosystems impacts, in accordance with the EAF (Section 5[2]) and the adoption of harmonized approaches for the shared stocks (Section 5[5]). The SFA is also responsible for establishing and maintaining a record of licensed, authorised or permitted fishing vessels (Section 8[1]). The information required to be registered is detailed, including the identification number of the vessel, the Lloyd or International Maritime Organization (IMO) number and international radio call sign (Section 8[2]). The SFA is also entitled to record any convictions to the Fisheries Act committed by a person in control of the fishing vessel (Section 8[3]).

The Fisheries Act provides for a broad licensing scheme to fish in areas under Seychelle's jurisdiction and beyond (Sections 11–26) and subjects the fishing vessels and gears to the terms and conditions specified in the license including those related to type and method of fishing, fishing areas and periods, target species, communication equipment and mandatory reporting requirements (Section 29). It also provides for requirements on control of fishing activities, for example, prohibiting fishing with the use of poison or other noxious substance and explosive (Section 31) and prohibiting the killing, chasing and taking of any marine mammals alive or dead in Seychelles waters (Section 32[4]). Other relevant EAF related provisions of this act concern MCSE as seen, for example, in the detailed description of enforcement powers of authorised officers (Sections 49–51); the observer programme established by the SFA (Section 56); the provision for regional cooperation through agreements with other States in the Indian Ocean for joint harmonized surveillance and enforcement measures in respect of foreign fishing vessels (Section 57); detailed offences (Sections 58–66); the possibility of compounding offences by the Minister responsible for

fisheries in consultation with the Attorney General (Section 72); and the rules of evidence for transmitting data through a vessel monitoring system (VMS) (Sections 73–74). It is important to note that the Fisheries Act provides that all regulation made, directions and notification issued under the repealed Fisheries Act of 1986 continue in effect, in so far as they are not inconsistent with the Fisheries Act of 2014 (Section 79[1]). These regulations are briefly described in section 2.2.3 below.

The *Seychelles Fishing Authority Act of 1984* establishes the SFA (Section 4), which is in charge of, *inter alia*, promoting, organizing and developing fishing, fishing industries and fishing resources in the Seychelles; conducting negotiations, or engaging in meetings, seminars and discussions with regard to fishing or fisheries in the establishment or operation of fishing industries, whether at a national or international level; and assisting in the formulation of the related national fisheries policies and in their implementation (Section 6). The act also provides for the powers of the SFA, which include to conduct surveillance operations, together with the Ministry of Defence, in relation to fishing in the EEZ or in super-adjacent waters to the continental shelf; monitor the catch of all fishing vessels; and carry out scientific and development research (Section 7[1]).

2.2.3 Fisheries secondary legislation

The assessed nine fisheries secondary legislation corresponds to C1 to C9. They cover 9 of the 82 EAF legal requirements.

The *Regulations S.I. No. 7/2006 on Shark Finning* prohibits a person on board a fishing vessel from removing fins from sharks, except under and in accordance with an authorization issued in respect of such vessel by the SFA (Regulation 3), and to keep on board the fishing vessel or tranship or land therefrom shark fins removed in contravention of that rule (Regulation 4). All fishing vessels landing at Port Victoria must declare the quantities of shark fins and shark products on board the vessels (Regulation 8[1]), and the vessels' masters must record all catches of shark in the logbook issued by the SFA (Regulation 8[2]).

The *Regulations S.I. No. 1/2003 on Wild animals (whales sharks) protection* declares the protection of whale shark throughout Seychelles at all times, prohibiting the killing or taking of whale sharks (Regulations 2–3).

The *Regulations S.I. No. 46/1994 regulating the protection of turtles* prescribes the protection of turtles throughout Seychelles, prohibiting all persons from disturbing, catching, injuring, fishing for, killing, selling, purchasing, receiving or possessing any turtle (Regulations 3–4).

The *Fisheries Regulations of 1987*, as amended and consolidated in 2009, details some fisheries management and control rules. It exempts local non-motorized fishing vessels with no more than seven metres in length overall of any size and not mechanically propelled from licensing requirement (Regulation 3). Standard requirements for fishing agreements are detailed therein, including the spatial controls, landing and transhipping controls (Regulation 5). The Regulations specify the licensing requirements for foreign fishing vessels and local

fishing vessels (Regulations 6–7). It also regulates fishing gears control, such as imposing general prohibition on fishing in the territorial waters with the use of a net or combination of nets exceeding 50 metres in length (Regulation 10[1]), prohibition on the use of any demersal trawl net for fishing in national waters (Regulation 14). Other relevant provisions are those prohibiting the fishing of female green turtles and hawksbill turtles (Regulations 12[1] and 13[1]), the establishment of protected areas where no fishing by using a net dragged across the sea bed is allowed (Regulation 15[1]), the obligation to return to the sea of any protected aquatic organism unintentionally caught (Regulation 22), and the prohibition of removing, damaging or disturbing fish or other aquatic organism except for the purpose of restoring lost gear to its rightful owner (Regulation 23).

The *Fisheries Licenses Regulations of 1987* detail the licensing application requirements, process, conditions and fees (Regulations 3–10).

The *Foreign Fishing Vessels Regulations of 1979* detail the licensing application requirements specifically of foreign fishing vessels.

The *Control of Foreign Fishing Vessels Regulations of 1979* provides for the control over fishing and related activities by foreign fishing vessels. It also details the powers of authorized officers to conduct MCSE activities on board foreign fishing vessels (Regulation 9).

The *Regulations of 1979 on Foreign Fishing Vessels (Radio Calls)* require the foreign fishing vessels wishing to exercise its right of free navigation through the EEZ, to make a radio call prior to entering such zone, in the terms prescribed (Article 2).

2.2.4 Other sectors primary legislation

The other sectors primary legislation corresponds to D1 to D11 in Appendix A.

The *Seychelles Parks and Gardens Authority Act of 2022* establishes the Seychelles Parks and Gardens Authority (Section 3(1)), whose functions include: effectively protecting and managing ecosystems and biodiversity in designated protected areas; protecting habitats and ecosystems from anthropogenic threats; promoting education and awareness services (Section 4[b][e][l]). To carry out these functions, this Authority is supported by funds designated therein (Section 10).

The *Nature Reserves and Conservancy Act of 2022* requires the Minister to appoint a National Advisory Committee to advise the Minister on protected areas issues (Section 3[1]). Such Committee is represented by three persons managing protected areas and two with expertise in the conservation or sustainable use of biological diversity (Section 3[2]). The act details the procedure for the Minister’s designation of a protected area in categories (Strict Nature Reserve, Ecological Reserve, National Park, Protected Landscape or Protected Seascape, Sustainable Use Area, and Transboundary Protected Area) (Section 5), requiring the Minister to give prior public notice of such intention and carry out public consultations, considering the

objections and suggestions made at the public consultations (Section 6). This act also provides for the Minister's designation of an area as a 'seasonally protected area' (Section 10), guidelines and conditions for access in protected areas (Sections 17–18), offences and penalties for failing to comply with the requirements established therein (Sections 25–26).

The *Trade of Wild Fauna and Flora Act of 2021* implements the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and contains an important provision that requires the act to be read together with other relevant laws relating to the import and export, or conservation of endangered species (Section 5). This provision sheds light on the need to read this law in conjunction with the relevant fisheries legal instruments, which is important to ensure the adequate implementation of CITES in the fisheries sector. In addition to that provision, the act explicitly designate an authorized fishery officer among the enforcement officers of the act (Schedule 1). As an increasing number of aquatic species commercially exploited by this sector is being included in CITES Appendix II, national legislation should provide clear linkages between the relevant laws and authorities involved in CITES and fisheries (Nakamura and Kuemlangan 2020).

The *Seychelles Maritime Safety Authority Act of 2020* establishes the Seychelles Maritime Safety Authority (Section 3[1]), whose functions include: advising the government or any relevant agency on matters relating to maritime affairs; ensuring the implementation of international maritime law instruments; ensuring, in collaboration with relevant agencies, the marine environmental protection and prevention of pollution from ships and response to marine environment accidents; coordinating matters on maritime security, including the identification of security equipment on board fishing vessels; registering and identifying ships as well as administering and maintaining a public register of seafarers and ships; undertaking surveying, inspection and issuance of safety certificates of ships including fishing vessels (Section 4[2][a][d][f][g][o][p]).

In operationalizing Article 38 of the Constitution of Seychelles, which requires the State to ensure the effective realizing of the right of every person to live in and enjoy a clean, healthy and ecologically balanced environment, the *Environment Protection Act of 2016*, as amended in 2017, establishes the legal framework for the protection, improvement and preservation of the environment. It describes the mandate of the ministry, under the minister responsible for the environment, which includes to, *inter alia*, coordinate activities of other agencies concerned with environmental protection; collect and disseminate information on matters relating to environmental protection (Section 4[1][c][i]); and to, by notice in the Gazette establish a National Environmental Advisory Council, with members representing government departments, NGOs, associations and individuals with environmental-related functions or interests, or who are knowledgeable in matters relating to the environment (Section 11). The Minister is also competent to regulate the preservation of fishing areas (Section 11) and to declare one or more coastal zones as subsidiary zones dedicated to the preservation, rehabilitation and conservation of coastal biodiversity (Section 28[1][c]). An inventory of all users and uses of the coastal zone is required to be included in a report based on which the Minister may make or cause to make a survey of the coastal zones and prepare and review the Integrated Coastal Zone Management Plan and take all necessary measures to restore,

rehabilitate or protect all or part of the costal zone as recommended by the survey (Section 29[1][2][j][3]). The act requires listed development activities to obtain an environmental authorization from the ministry and carry out an environmental impact assessment (EIA), broadly describing the types of EIAs for class 1 and class 2, which include any use of sea as required by the Minister, to be further regulated (Sections 43–50).

The *Licences Act of 2010*, as consolidated in 2014, establishes the Seychelles Licensing Authority (Section 3), responsible for, *inter alia*, granting a licence or renewing a licence, attaching or varying conditions of a licence suspending or revoking a licence (Section 9). The holders of the licences are required to engage or to carry out activities, profession, trade or business specified in the Schedule (Section 20), including fisheries.

The *Seychelles Ports Authority Act of 2004*, as amended and consolidated in 2012, establishes the Seychelles Ports Authority (Section 3), which is responsible for, among others, act in collaboration with other public authorities and entities for the prevention of marine source pollution, protection of marine environment and to respond to marine environment incidents; advise the government or any public authority on any matter relating to merchant shipping and the prevention and control of marine pollution; and represent Seychelles on maritime matters at both the national and international level (Section 6[h][i]).

The *Merchant Shipping Act of 1992*, as last amended in 2014, provides for the Register of Ships (Section 12), where all ships must be registered, except those below ten metres in length, or are prescribed or belong to a class or description of ships that is prescribed; or are engaged in any class of navigation or trading, or used for any purpose, that is prescribed (Section 16).

The *Act on Beach Control of 1971*, as amended and consolidated in 1978, specifies the powers of the Minister to make regulations for preserving the seashore's natural amenities and preventing danger, obstruction or annoyance to persons using seashore or bathing in the sea (Section 3). The regulations adopted under this act are detailed in Subsection 2.2.5.

The *National Parks and Nature Conservancy Act of 1969*, as amended and consolidated in 1986, establishes the National Environment Commission (NEC), responsible for, *inter alia*, draw up the national environment policy and keep this policy under review, periodically revising it as necessary; promote public education and participation; coordinate all activities concerning environmental conservation or management (Section 3); designate an area as a national park, strict natural reserve, special reserve or an area of outstanding natural beauty (Section 5), allowing for the deposit of maps at a convenient place for such inspection and the consideration of representations made by or on behalf of the owners or other persons having an interest in the area affected (Section 6). The proposal for such designation must be placed at a convenient venue for public inspection and consideration by the people with an interest in the area affected (Section 6). The NEC is required to carry out its functions with due regard to objectives of environmental conservation such as the maintenance of essential ecological processes and life-support systems and ensuring the sustainable utilization of species and ecosystems, including fish, which support millions of rural communities and industries (Section 3[4] and Schedule 2).

The *Wild Animals and Bird Protection Act of 1961*, as amended and consolidated in 1976, empowers the competent Minister to make regulations for the protection of wild animals and birds, which may include prohibition of shooting, killing, or taking any wild animal or bird, prohibiting the purchase, sale or exhibition for sale of any wild animal or bird or of any wild birds' eggs (Section 2).

2.2.5 Other sectors secondary legislation

The other sectors secondary legislation corresponds to E1 to E12 in Appendix A.

There are multiple regulations designating protected areas in Seychelles. These include: the *Regulations S.I. No. 69/2018 on national parks and conservancy (Aride Island) Special Reserve*; the *Regulations S.I. No. 68/2018 on national parks and conservancy (Aldabra) Special Reserve*; the *Regulations S.I. No. 10/2018 on national parks Amirantes (Marine) to Fortune Bank (Marine) Area of Outstanding Natural Beauty*; the *Regulations S.I. No. 15/1991, as amended in 2020, on national parks (Curieuse Marine National Park)*; the *Regulations S.I. No. 9/1991, as amended in 2020, on national parks (La Digue Veuve Special Reserve)*; the *Regulations S.I. No. 9/1981, as last amended in 2020, on national parks (Port Launay Marine)*; and the *Regulations S.I. No. 93/1979, as last amended in 2020, on national parks (Cousin Island Special Reserve)*.

The *Environment Protection (Compounding of Offences) Regulations of 2017* detail the requirements on compounding of offences committed under the Environment Protection Act.

The *Environment Protection (Impact Assessment) Regulations of 1996*, as amended in 2013, specifies the activities which are subject to an EIA (Regulation 3), as listed in Schedule 1, which include fish farming works and extension, aquaculture, fish processing plants and equipment. It also requires a EIA class I to be open for public inspection at such place and such time as may be specified in a notice published by the competent authority; and that any member of the public being a citizen or a resident in the country has the right to make in writing comments on the EIA or the project or activity relating to the EIA within the period in the notice or to record the comments in the register to be kept by the competent authority at the place of inspection specified in such notice (Regulation 8[1][4]).

The *Regulations S.I. No. 46/1994 on wild animals (turtles) protection* stipulates that a turtle is a protected animal throughout Seychelles (Section 3), prohibiting the disturbing, catching, injuring, fishing for, killing, selling, purchasing, receiving or possessing any turtle or any turtle egg (Regulations 4 and 5).

The *Regulations S.I. No. 77/1978 on beach control* applies to the beaches and inshore waters of Seychelles (Regulation 3). Relevant to fisheries is the provisions which requires the Minister to take into account the traditional interests of fishers as well as the requirements of conservation and ecological preservation when considering the permission for beach and inshore activities (Regulation 16).

The *National Parks and Nature Conservancy (Procedure for Designation of Areas) Regulations of 1971* requires the NEC to, when proposing to designate any area as one of the protected area categories outlined under the *National Parks and Nature Conservancy Act of 1969* briefly assessed under section 2.2.4 above, prepare a map showing the location of the said area and the boundaries, and to publish in an issue of the Gazette and local newspaper in three successive weeks a notice with specified information (Regulations 2–3). This map must be available for inspection throughout the said period (Regulation 4).

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 Seychelles 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, **51** EAF legal requirements were found in Seychelles' 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 the EAF which may be further elaborated and improved in advancing the implementation of the EAF. Based on the present preliminary assessment, **31** EAF legal requirements remain to be incorporated in the policy and legal frameworks of Seychelles.

The assessed policy and legal instruments did not provide for important EAF concepts such as ensuring the promotion of ecosystem-based research and awareness-raising on EAF, as required under EAF Component 1. The requirement on establishing and well publicizing public hearings, relevant for EAF Component 4, were also not found. There was also lack of references and provisions on conflict management over fisheries and for the conflict management review process, as required under EAF Component 7.

A major gap was noted with respect to TAC, additional catch limits and detailed requirements, as well as technical details on effort controls, stakeholder consultation in the establishment of temporal and spatial control, as provided under EAF Component 9. Another gap concerned the minimum content of FMPs and the need for these instruments to comply with established integrated management plans for aquatic ecosystems 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 detail the requirements on observer scheme, reporting of catch data, the process for registration of fishing vessels, including the cooperation and coordination among fisheries and maritime authorities, nor do they contain VMS specifications, as part of the legal requirements under the EAF Component 11.

Ecosystem-based research was another major gap in the assessed policy and legal instruments, indicating misalignment with EAF Component 13. No provisions were found on the process for designating protection of threatened and endangered species, which makes the existing frameworks not in line with EAF Component 14. Measures to promote energy efficiency, and requirements on authorization prior to introduction of species and prevention of escape of exotic species into the wild were also not found, 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 the 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 the EAF
0–30	0–36%	Low
31–50	37–61%	Low-medium
51–61	62–75%	Medium
62–72	76–87%	Medium-high
73–82	88–100%	High

The policy and legal instruments of Seychelles, assessed in this Report, incorporate **51** out of the 82 EAF legal requirements, therefore indicating a **medium** level of alignment with the EAF.

3.3 Final considerations and proposed way forward

Legislating for the 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 the 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 to which Seychelles 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.

Some gaps have been identified in the assessed policy and legal instruments of Seychelles, which should be addressed to ensure full implementation of the 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, stakeholder participation in temporal and spatial controls and fishing efforts), “fisheries management” (particularly aspects of FMPs and integrated management of ecosystems), “research” and “MCSE” (especially details on the

observer scheme, cooperation and coordination in the registration process, identification marking of fishing vessels and gears, and VMS).

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 the EAF, and/or amending the existing ones to bring them fully in line with the EAF.

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

Identification	Instruments of SEYCHELLES
A	Fisheries Policies
A1	2019 Seychelles Fisheries Sector and Policy Strategy
A2	2019–2024 Seychelles Coastal Management Plan
A3	2019–2022 Seychelles Wetlands Policy and Action Plan
A4	2018–2020 Seychelles Fishing Authority Strategic Plan
A5	2016–2020 National Plan of Action for the Conservation and Management of Sharks
A6	2015–2020 National Biodiversity Strategy and Action Plan
A7	2013 National Food and Nutrition Security Policy
A8	2013 Seychelles Protected Areas Policy
A9	2012–2020 Seychelles Sustainable Development Strategy
B	Fisheries Primary Legislation
B1	Act No. 20/2014 on Fisheries
B2	Act 1984 establishing the Seychelles Fishing Authority, consolidated in 2012
C	Fisheries Secondary Legislation
c1	Regulations S.I. No. 7/2006 on Shark Finning Fisheries
c2	Regulations S.I. No. 1/2003 on Wild animals (whales sharks) protection
c3	Regulations S.I. No. 46/1994 regulating the protection of turtles, reprinted in 2003
c4	Regulations 1987 on Fisheries, as amended and consolidated in 2009
c5	Regulations S.I. No. 21/1987 on Fisheries Licenses
c6	Regulations of 1979 on Foreign Fishing Vessels
c7	Decree of 1979 on Control of Foreign Fishing Vessels
c8	Regulations of 1979 on Foreign Fishing Vessels (Radio Calls)
D	Other Sector's Primary Legislation
D1	Act No. 4/2022 on Seychelles Parks and Gardens Authority
D2	Act No. 3/2022 on Nature Reserves and Conservancy
D3	Act No. 27/2021 on Trade of Wild Fauna and Flora
D4	Act No. 2/2020 on Seychelles Maritime Safety Authority
D5	Act No. 18/2016 on Environment Protection, as amended in 2017
D6	Act No. 23/2010 on Licenses, as consolidated in 2017
D7	Act No. 11/2004 on Seychelles Ports Authority, as amended and consolidated in 2012
D8	Act No.13/1992 on Merchant Shipping, as last amended in 2014
D9	Act on Beach Control, as amended and consolidated in 1978
D10	Act 1969 on National Parks and Nature Conservancy, as amended in 1986 and consolidated in 2012, and last amended in 2020
D11	Act 1961 on Wild Animals and Bird Protection, as amended and consolidated in 1976

Identification	Instruments of SEYCHELLES
E	Other Sector's Secondary Legislation
€1	Order S.I. No. 69/2018 on national parks and conservancy (Aride Island) Special Reserve (Designation)
€2	Regulations S.I. No. 68/2018 on national parks and conservancy (Aldabra) Special Reserve (Designation)
€3	Order S.I. No. 10/2018 on national parks Amirantes (Marine) to Fortune Bank (Marine) Area of Outstanding Natural Beauty (Designation)
€4	Regulations S.I. No. 45/2017 on Environment Protection (compounding of offences)
€5	Regulations S.I. No. 39/1996 regulating Environmental Impact Assessment, as amended by Regulations S.I. No. 63/2013
€6	Regulations S.I. No. 46/1994 on wild animals (turtles) protection, reprinted in 2003
€7	Regulations S.I. No. 15/1991 on national parks (Curieuse Marine National Park), as amended in 2020
€8	Regulations S.I. No. 9/1991 on national parks (La Digue Veuve Special Reserve), as amended in 2020
€9	Regulations S.I. No. 9/1981 on national parks (Port Launay Marine), as amended in 1987 and consolidated in 1991, and last amended in 2020
€10	Regulations S.I. No. 93/1979 on national parks (Cousin Island Special Reserve), as amended in 1981 and consolidated in 1991, and last amended in 2020
€11	Regulations S.I. No. 77/1978 on beach control, consolidated in 2012
€12	Regulations S.I. No. 110/1971 regulating the procedure for designation of protected areas

Perceived level of alignment with the EAF legal requirement

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

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

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
	Scope and definitions								
General guidelines	1.	– Clearly outline the geographic and substantive scope of the application.	✓	✓	X	✓	✓	(A2) Section 1.2.2 (A8) Pages 10–11 (B1) Section 1 (D3) Section 3 (E11) Regulation 3	
	Principles and objectives								
C.1 EAF concepts C.3 Precautionary approach C.4 Stakeholder participation C.6 Integration of lower level authorities	2.	– Clearly define and apply the precautionary approach.	✓	∅	X*	X	X	(A1) Page 14 (A3) Page 10 (A5) Pages 64 and 100 (A6) Page 62 (A8) Page 20 (A9) Page 15 (B1) Section 9(2)	References in (A1), (A6), (A8) and provision in (B1) do not provide for the clear definition of the precautionary approach.
C.7 Conflict management and C.11, C.13, C.14 and C.17	3.	– Broaden stakeholder participation with integration of lower level authorities and bodies.	✓	✓	●*	X	X	(A1) Pages 5, 11 (A4) Page 21 (A8) Pages 9–10 (A9) Page 26 (B1) Section 5(4)	
	4.	– Ensure the right of access to fair and transparent information.	✓	X	X*	∅	X	(A1) Page 11	Provision in (D5) concerns the duty of

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		
							(p5) Section 4(1)(i)	the competent Minister to disseminate information on environmental protection.
5.	– Promote institutional coordination, cooperation and integration.	✓	X	X*	✓	X	(A1) Page 12 (A3) Pages 8–9 (A9) Pages 26–27 (p5) Sections 4(1)(c), 5, 17 (p10) Section 3(3)(b)	
6.	– Maintain ecological relationships among harvested, dependent and associated species.	✓	X	X*	X	X	(A6) Page 63	
7.	– Promote sustainable development and avoid overexploitation of marine living resources.	✓	✓	●*	X	X	(A1) Pages 5, 10–11 (A3) Pages 8–9 (A5) Page 64 (A6) Page 63 (A9) Pages 9, 15 (B1) Section 4	
8.	– Preserve marine habitat, conserve and restore marine living resources and biodiversity.	✓	X	X*	✓	X	(A3) Pages 8–9 (A6) Pages 62–63 (A8) Page 10 (A9) Page 15 (p1) Section 4(b)	
9.	– Promote ecosystem well-being, including the human biotic and abiotic components.	✓	✓	●*	✓*	●*	(A1) Pages 11, 12 (A2) Section 1.2.1	

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		
							(A3) Pages 8–9 (A6) Page 63 (A8) Pages 9–10 (B1) Section 4(b) (D1) Section 4(e)	
10.	– Promote adaptive management measures, including their regular monitoring and review.	✓	X	X*	X*	●*	(A1) Page 24 (A2) Section 1.2.1 (A3) Pages 8–9 (A4) Page 21	
11.	– Harmonize management measures, including those for shared resources.	✓	✓	X*	✓*	●*	(A1) Page 15 (D10) Section 3(3)(e)(f) (B1) Section 5 (5)	
12.	– Reduce and manage conflict between users and stakeholders over fisheries resources and ecosystems.	X	X	X*	X*	X*		
13.	– Consider socioeconomic contexts (e.g. employment, livelihoods, equity, poverty, gender) when designing and implementing management measures.	✓	X	X*	X*	✓*	(A1) Pages 10–11 (A3) Pages 8–9 (A7) Chapter 2.1 (A8) Page 9 (A9) Page 9 (E11) Regulation 16	
14.	– Promote management measures, designate the authority and outline the timeline and process for their monitoring and review.	✓	✓	●*	X*	X*	(A1) Pages 12–24 (A3) Page 10 and Annex 1 (A6) Pages 67–99 (B1) Section 5	
15.	– Provide for the establishment of MCSE measures.	✓	✓	●*	X*	X*	(A1) Pages 21–22	

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EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
							(A6) Pages 94–95 (B1) Sections 48–76	
16.	– Promote ecosystem-based research plans/priorities, designate the authority and outline the timeline and process for their monitoring and review.	∅	X	X*	∅*	X*	(A1) Pages 22–23 (A3) Annex 1 (A4) Page 21 (D1) Section 4(g)	References in (A1) do not outline timeline and process for research. Reference in (A3) is limited to wetlands. Reference in (A4) does not include monitoring and review of the research. Provision in (D1) is too broad referring to biodiversity and protected areas.
17.	– Promote the right of access to education and awareness raising on EAF.	∅	X	X*	✓*	X*	(A2) Section 4.3.5 (A5) Page 74 (A6) Page 88 (A8) Page 10 (D1) Section 4(l)	Reference in (A1) is about awareness-raising on the importance of maintaining ecosystem resilience and flood prevention. Reference in (A6) concerns awareness-raising on biodiversity issues. Reference in (A8) concerns awareness-raising and educational

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EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
									programmes on ecosystem protection and sustainable use in protected areas.
	Institutional arrangements								
C.2 Management boundaries and measures	18.	– Ensure new management boundaries, measures and plans are: (a) ecologically meaningful considering resource ranges, habitats and other ecological factors.	✓	X	X	✓*	✓*	(A6) Pages 68–70 (A8) Page 11 (D2) Section 5 (E5) Schedule 2 (E12) Regulation 4	
C.4 Stakeholder participation		(b) overlapped closely and are harmonized with well-established management boundaries and governance structures.	✓	X	X	✓*	✓*	(A6) Pages 68–70 (A8) Page 11 (D2) Section 5 (E12) Regulation 4	
C.5 Coordination, cooperation and integration	19.	– Promote states cooperation on the harmonization of management measures and plans (bilaterally, regionally and internationally).	✓	X	X	✓*	●*	(A1) Page 15 (A7) Chapter 7.1 (D10) Section 3(3)(e)(f)	
C.7 Conflict management	20.	– Establish transparent and accessible mechanisms, bodies (including lower level authorities) or processes to: (a) support well-established management boundaries and governance structures on the basis of ecosystem considerations.	✓	X	X	✓*	X*	(A6) Pages 68–70 (A8) Page 11 (D2) Section 5	
C.8 Integrated management of aquatic ecosystems		(b) outline conservation and management measures, including FMPs, at local and national levels.	✓	✓	X	X*	X*	(A1) Pages 14–15 (A4) Pages 21–23 (A6) Page 94 (B1) Section 5	

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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) facilitate coordination, cooperation and integration of management decisions, regulatory action, environmental policies, plans and programs.	X	X	X		
(d) monitor, assess and align the various environmental policies and plans.	X	X	X	✓*	●*	(p10) Section 3(3)(a)		
(e) manage conflict over fisheries, relevant resource and ecosystem, including parameters for decision-making and resolving the conflict.	X	X	X	X*	X*			
(f) ensure integrated management of aquatic ecosystems (e.g. integrated coastal zone) based on ecosystem delimitations.	X	X	X	✓*	●*	(p5) Section 29		
(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	✓*	●*	(p5) Section 29(2)		
(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	✓*	●*	(p5) Section 29(3)(a) (p10) Section 3(3)(b)		
(i) ensure periodic reviews of conflict management processes.	X	X	X	X*	X*			
21. – Clearly outline powers, roles and responsibilities of all bodies, designated authorities, their relationships and processes, avoiding overlapping and conflicting mandates.	X	✓	X	✓*	●*	(b2) Section 6 (p1) Sections 3 and 4 (p4) Sections 3 and 4 (p6) Section 9 (p7) Section 6		
22. – Outline mandates for the government institutions to: (a) coordinate efforts, cooperate and integrate approaches, from the local to the national levels.	✓	X	X	X	X	(A1) Page 13 (A7) Chapter 7.1 (A8) Page 11		

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EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
								(p7) Section 6(h)	
		(b) coordinate, cooperate and integrate the regional and international processes and arrangements.	✓	✓	X	✓	X	(A1) Page 15 (A8) Page 11 (B1) Sections 7(5), 57 (D10) Section 3(3)(e)(f)	
		(c) allocate financial, human and material resources to ensure the integration of lower level authorities	✓	X	X	X	X	(A1) Pages 17 and 21 (A9) Page 30	
		Stakeholder participation, coordination, cooperation and integration							
C.4 Stakeholder participation	23.	– Ensure bodies established are broadly representative (from industry, the artisanal sector, academia, civil society and local communities) and processes allow for stakeholder and institutional participation and coordination, engaging and integrating lower level authorities or bodies when resources are affected at local level.	✓	X	X	✓	X	(A9) Pages 26–27 (D5) Section 11	
C.5 Coordination, cooperation and integration	24.	– Establish and properly publicize public meetings or hearings.	X	X	X	✓	X	(D2) Section 6(7)(8)	
C.6 Integration of lower level authorities, bodies and stakeholders	25.	– Allow for sufficient and reasonable time for comments on proposed management decisions or actions (e.g. in meetings and in writing).	X	X	X	✓	✓	(D2) Section 6(7)–(11) (D10) Section 6 (E5) Regulation 5(3) (E12) Regulation 4	
C.8 Integrated management	26.	– Promote international cooperation for effective integrated management of aquatic ecosystems.	✓	X	X	X	X	(A1) Pages 15 and 22	

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EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
of aquatic ecosystems									
	Fisheries management <i>Catch/output controls</i>								
C.9 Controls on fishing operations C.10 Fishery management plans C.17 Monitoring and review	27.	– Establish limits on the amount of fish that may be removed from a fishery in a given period of time (e.g. TAC), restrict the number of fish that may be landed in a day (e.g. bag limit) or place limits on the amount of acceptable bycatch and/or discards from a fishery – all based on scientific data and maximum sustainable yield and the precautionary principle.	X	X	X	N/A	N/A	(c1) Regulation 6	Provision in (c1) only applies to sharks.
	28.	– Ensure authority to institute TACs and to allocate individual quotas is representative, including representatives from lower levels of government.	X	X	X*	N/A	N/A		
	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	✓	●*	N/A	N/A	(b1) Section 9(2)	
	33.	– Outline the ability to institute additional catch controls (e.g. bag limits for recreational fishing), including the authority	X	X	X*	N/A	N/A		

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EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
	responsible for allocating, issuing and regulating quotas, and the procedure to be followed.								
	Effort/input controls								
C.9 Controls on fishing operations C.10 Fishery management plans C.17 Monitoring and review	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.	X	✓	✓*	N/A	N/A	(b1) Sections 11–26 (c4) Regulations 6–7 (c5) Regulations 3–10 (c6) Entire regulation	
	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.	X	✓	✓*	N/A	N/A	(b1) Sections 11–26 (c5) Regulations 3–10	
	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	X	X*	N/A	N/A		
	37.	– Outline specific details of fishing license scheme (e.g. number of licenses to be allocated, permit conditions for each fishery).	X*	X*	X	N/A	N/A		
	38.	– Empower the designated authority to establish additional regulations for licensing.	X*	✓	●*	N/A	N/A	(b1) Sections 29, 77(2)(a)	
	39.	– Empower authority to regulate effort controls and respective parameters.	X*	X	X*	N/A	N/A		
	Fishing gear and method controls								
C.9 Controls on fishing operations C.10	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	(b1) Sections 30–33 (A5) Page 68 (c4) Regulations 9, 10, 14, 17–18	Reference in (A5) only applies to sharks.

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	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) Section 31	
	42.	– Outline requirements aimed at reducing negative impacts of fishing methods and gear (e.g. prohibition of trawling in areas with sensitive seabed habitat, require use of biodegradable nets, restrict the use of FADs or require use of bycatch reduction devices).	∅	✓	✓	N/A	N/A	(A5) Page 68 (b1) Section 33 (c4) Regulations 9, 10, 14, 17–18	Reference in (A5) only applies to sharks.
	Spatial and temporal controls								
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).	X	✓	✓*	N/A	N/A	(b1) Section 30 (c4) Regulation 5	
	44.	– Empower authority to define spatial and temporal controls and the procedure.	X	X	X*	N/A	N/A		
	45.	– Ensure stakeholder and institutional consultation, both at national and lower levels, in the process of defining spatial and temporal controls.	X	X	X*	N/A	N/A		
	46.	– Establish technical details and specifics on spatial controls.	X*	✓*	✓	N/A	N/A	(b1) Section 30 (c4) Regulation 5	
	Fishery management plans								
C.9	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	(b1) Section 5	

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EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
Controls on fishing operations	48.	– Ensure FMPs and measures comply with established integrated management plans for aquatic ecosystems involving e.g. protected areas or critical habitat.	X	X	X	X*	X*		
	C.10								
Fishery management plans	49.	– Establish process for approval, adoption and publication of FMP with its periodic review.	X	✓	●*	N/A	N/A	(b1) Section 5	
C.17 Monitoring and review	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	(b1) Section 5	
	51.	– List the minimum requirements in the FMPs:	✓	✓	●*	N/A	N/A	(A4) Page 21 (b1) Section 5(2)	
		(a) management objectives that take into account EAF;	✓	✓	●*	N/A	N/A	(A4) Page 21 (b1) Section 5(2)	
		(b) biological description of fishery and ecosystem in which it takes place;	✓	✓	●*	N/A	N/A	(A4) Page 21 (b1) Section 5(2)	
		(c) social, economic and institutional aspects of the fishery;	✓	✓	●*	N/A	N/A	(A4) Page 21 (b1) Section 5(2)	
		(d) species composition and levels of bycatch, both retained and discarded;	X	✓	●*	N/A	N/A	(b1) Section 5(2)	
		(e) ecological relationships between harvested, dependent and associated species;	X	X	X*	N/A	N/A		
(f) impact of other anthropogenic activities on the ecosystem; and		X	✓	●*	N/A	N/A	(b1) Section 5(2)		
(g) a review of the relationship with other coastal or marine resource management plans.	X	X	X*	N/A	N/A				
		Conservation measures							
C.14	52.	– Incorporate the consideration of habitat and biodiversity in the processes for establishing management measures (e.g.	✓	X	✓*	✓*	X	(A5) Entire plan (c1) Entire regulations	

Perceived level of alignment with the EAF legal requirement

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EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
Habitat and biodiversity conservation and restoration		outline habitats and species related to the fishery and take measures to limit the negative impacts of fishing on them) or gear regulations.						(c2) Entire regulations (c4) Regulations 11, 19–22 (d1) Section 4(b) (d5) Section 28	
	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) Section 32(3)(4) (c2) Regulations 2–3 (c3) Regulations 3–4 (c4) Regulations 12–13 (e6) Entire Regulations	
	54.	– Ensure coordination between the various authorities involved in marine environment protection.	X	X	X*	✓*	X	(d4) Section 4(2)(f) (d7) Section 6(h) (d10) Section 3(3)(c)	
	55.	– Establish mechanisms and designation of authority responsible for establishing: (a) designation and protection of threatened and endangered species, ensuring cooperation among the authorities throughout the listing process, definition and qualifying factors of each designation, process for listing, including steps for consultation and the special protections associated with the designations.	∅	X	X*	X*	X	(A6) Page 71	Reference in (A6) does not detail the process.
		(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	∅*	✓*	✓	(A6) Pages 68–70 (A8) Pages 11–27 (c4) Regulation 15 (d2) Entire Act (d5) Section 28 (d10) Sections 5–10 (e1)–(e3) Entire Regulations (e7)–(e10) Entire Regulations	Provisions in (c4) and (d5) do not detail the process for nomination, establishment and management of the protected areas.

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EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
							(E12) Regulations 2–4	
	(c) the restoration of damaged habitat and ecosystems, ensuring the process through which it is decided when, where and how a damaged habitat/ecosystem shall be restored, and the establishment of funds that may be used to engage in restoration activities.	∅	X	X*	✓*	X	(A3) Page 15 (A6) Page 72 (A8) Page 10 (D5) Section 29(3)(b)	References in (A3), (A6) and (A8) do not detail the process.
	56. – Ensure educational and awareness-raising activities for promoting habitat and biodiversity conservation and restoration with the establishment of special funds to support such activities.	✓	X	X*	✓*	X	(A3) Annex 1 (A6) Page 88 (D1) Sections 4 and 10	
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.	✓	✓	✓	✓	✓	(A4) Page 21 (B1) Section 34(4)(e) (C4) Regulation 22 (D4) Section 4(2)(f) (D5) Sections 14–27 (D7) Section 6(h) (E11) Entire regulations	
	(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	(C4) Regulation 23	
	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	X	X	X	X	X		

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✓ 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		
	establish measures to prevent the escape of exotic species into the wild.							
C.16 EIS or EIA	59. – Regulate marine extractive activities (e.g. marine mining for minerals or petroleum, harvesting of marine plants) and other potentially harmful activities, including the construction of installations for use by industry, laying of underwater cables, military exercises, shipping.	X	X	X	✓	X	(p8) Entire Act	
	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	✓	✓	(b1) Sections 34 (4) (e) (p5) Sections 43–50 (e5) Entire Regulation	Provision in (b1) requires the licence to contain measures with regard to infrastructure impacts on the environment resulting from aquaculture but does not subject such activity to an EIS or 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*	∅	✓	(p5) Sections 43–50 (e5) Regulation 5(2) and guidelines by the environmental authority	Provisions in (p5) cross-refer to regulations that provide detail on the components of EIA.
	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*	∅	✓	(p5) Sections 43–50 (e5) Entire Regulation	Provisions in (p5) cross-refer to regulations that provide detail on the EIA process.

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 monitoring and research								
C.13 EAF research	63.	– Establish research programme for furthering the knowledge and understanding of EAF.	∅	∅	X*	X	X*	(A2) Section 4.3.1 (A5) Page 67 (A6) Page 79 (B1) Section 10	Reference in (A1) concerns monitoring and research for sustainable coastal management. References in (A5) is about shark research and in (A6) is about biodiversity research. Provision in (B1) requires an agreement or authorisation of research on fisheries in general.
	64.	– Designate authority for conducting and involving stakeholders in the research programme.	✓	∅	X*	X	X*	(A6) Page 79 (B1) Section 10	
	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*	(A3) Page 14	Reference in (A3) concerns improving understanding of wetlands’ importance to fisheries.
	66.	– Consider the findings of the EAF research in the adoption of conservation and management measures.	X	X	X*	X	X*		

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
	MCSE								
C.11 MCSE	67.	– Outline an observer scheme with details on the categories of vessels/fisheries that it applies to and the role that observers play (which may be tailored to the category of vessel or the type of fishery and may be limited to the collection of catch/effort data and the collection of scientific samples, or may include the authority to register and/or report violation of management measures).	X	∅	∅	N/A	N/A	(b1) Section 56 (c7) Regulation 5(82)(n)	Provision in (b1) and (c7) is too road and does not detail the observer programme.
	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) Section 77(2)(n)	Provision in (b1) cross-refers to regulation to detail the rules relating to observers.
	69.	– Design the scheme in line with regional or international requirements, taking into account relevant regional observer programs.	X	X	X	N/A	N/A		
	70.	– Ensure VMS is required for vessels licensed to fish in national waters and ABNJ, detailing specific categories of fishing vessels and/or fisheries to which it applies.	X	✓	∅	N/A	N/A	(b1) Section 29(1)(d) (c7) Regulation 5(2)(o)	Provision in (c7) only applies to foreign fishing vessels.
	71.	– Ensure reporting of catch and effort data, clearly identifying the vessels that are expected to report (at least all commercial fishing vessels that fish within national waters and all nationally-flagged vessels authorized to fish within waters under national jurisdiction and in ABNJ), to whom they are required to report (the designated authority), the frequency and timing of their reports, and the method or format in which they are required to report (e.g. weight of fish caught, including percentage of bycatch, species, dates of fishing, fishing zones, gear/methods employed, type of vessel, time of departure from national waters and catch status at that time).	X	∅	∅	N/A	N/A	(b1) Section 29(1)(e) (c1) Regulation 8 (c4) Regulation 6(d),(e)	Provision in (b1) does not detail the types of fishing vessels nor to whom the catch data reporting should be directed to. Provision in (c1) is limited to reporting shark’s fins and fins products.

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		
								Provision in (c4) only applies to foreign fishing vessels.
72.	– Ensure the establishment and maintenance of a record of fishing vessels licensed to fish in waters under national jurisdiction and nationally flagged vessels authorised to fish in ABNJ with the designation of the authority responsible for its maintenance and information to be recorded for each category of vessel.	X	✓	X	✓	N/A	(b1) Section 8 (d4) Section 4(2)(o) (d7) Sections 16–33	
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	(b1) Section 8	
74.	– Broadly detail the registration process and ensure registration of all fishing vessels with the relevant fisheries or maritime authority, including information on the name of vessel, the flag state and any previous flag states, the radio call sign, if relevant the IMO number, the AIS and VMS, if relevant the vessel length and tonnage, the name and nationality of the beneficial owners of the vessel, and any transgressions of fisheries legislation associated with the vessel.	X	X	X	∅	N/A	(d8) Sections 13–33	Provisions in (d8) applies to the register of ships in general, which include fishing vessels, but is limited in the information required to be registered.
75.	– Detail the specifications for marking vessels and fishing gear in accordance with internationally approved standards.	X	∅	∅	∅	N/A	(b1) Section 77(2)(w) (c4) Regulations 6(h) and 7(b) (c5) Regulation 5(2)(l)	Provision in (b1) cross-refers to regulation to detail the marking of

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		
								(b8) Section 22	fishing vessels and gear. Provisions in (c4) and (c5) do not include specifications for marking of fishing gear. Provision in (b8) is too broad and only applies t fishing vessels.
76.	– Ensure cooperation and coordination between fisheries and maritime authorities throughout the registration process.		X	X	X	N/A	N/A		
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 49–51 (c7) Regulation 9	
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) Section 77(2)(v) (c1) Regulation 4 (c4) Regulation 5 (c7) Regulation 5(2)(f)(g)	Provision in (b1) cross-refers to regulation to establish the conditions for landing and transshipping. Provision in (c1) is limited to tranship and land shark fins. Provision in (c4) and (c7) only applies 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		
									foreign fishing vessels.
	79.	– Provide additional VMS specifications and specific details on the registration process.	X*	X	X	N/A	N/A		
		Enforcement processes and sanctions scheme							
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	(b1) Sections 58–66 (c1) Regulation 10 (c4) Regulation 26 (d2) Sections 25–26 (d5) Sections 67–72 (d10) Section 12	
	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) Section 72 (d2) Section 27 (e4) Entire Regulation	(e4) concerns compounding of offences.
	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	X	(b1) Sections 67–70	

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 Seychelles. 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 the EAF.

For more information:

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