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Legal report on the ecosystem approach to fisheries in the United Republic of Tanzania

An analysis of the ecosystem approach to fisheries in selected
national policy and legal instruments of the United Republic of Tanzania

FAO EAF-Nansen Programme Report No. 58
EAF-N/PR/58 (En)



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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Legal report on the ecosystem approach to fisheries in the United Republic of Tanzania

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By Julia N. Nakamura and Teresa Amador

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Abstract

Legislating for the ecosystem approach to fisheries (EAF) is complex, due to the holistic nature of the EAF involving multiple factors that underpin the social, economic, environmental, and institutional aspects of fisheries sustainability. These factors include ecosystems integration, risks, intersectoral collaboration, research, participatory processes, monitoring, control, surveillance, and enforcement, among others. To assess how the EAF is being implemented through national policy and legal frameworks, FAO developed [*A diagnostic tool for implementing 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 the United Republic of Tanzania 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 the United Republic of Tanzania's policies and legislation relevant to the fisheries sector of the country and other relevant sectors (such as environment, wildlife, ecosystems, and maritime affairs). Based on this preliminary diagnosis, gaps were identified in the assessed instruments, and recommendations were made for improving the implementation of the EAF.

This report was elaborated following a participatory approach with the involvement of the national competent authorities of the United Republic of Tanzania. Drafted in July 2021, the report was submitted to the national authorities of the United Republic of Tanzania in October 2021 and, based in the additional information provided, was further revised in May 2022. The Ministry of Livestock and Fisheries endorsed this EAF Legal Report of the United Republic of Tanzania in October 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.

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Abbreviations and acronyms

| | |
|--------|---|
| ABNJ | areas beyond national jurisdiction |
| AIS | automatic identification system |
| BMU | Beach Management Unit |
| DFSA | Deep Sea Fishing Authority |
| EAF | ecosystem approach to fisheries |
| EIA | environmental impact assessment |
| EIS | environmental impact statement |
| 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 |
| MTU | Mobile Transceiver Unit |
| NGO | non-governmental organization |
| RFMO/A | regional fisheries management organization and/or arrangement |
| SEA | strategic environmental impact assessment |
| TAC | total allowable catch |
| TAFIRI | Tanzania Fisheries Research Institute |
| VMS | vessel monitoring system |

1. Introduction: legislating for the ecosystem approach to fisheries

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

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

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

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

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

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

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

(RFMO/As) which should also be taken into account, on a country-by-country basis, in the assessment of a given country’s EAF commitments.

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

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

In light of these considerations, Table 1 below provides the present status of the United Republic of Tanzania 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 the United Republic of Tanzania in selected international legally binding instruments relevant to the EAF | |
|---|---------------------------|
| Instrument | Status¹ |
| 1971 Ramsar Convention on Wetlands of International Importance (Ramsar Convention) | Party |
| 1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora | Party |
| 1979 Convention on the Conservation of Migratory Species of Wild Animals | Party |
| 1982 United Nations Convention on the Law of the Sea | Party |
| 1992 Convention on Biological Diversity | Party |
| 1993 Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (Compliance Agreement) | Party |
| 1995 United Nations Agreement for the Implementation of the Provisions of the LOSC relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA) | Not a party |
| 2009 Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA) | Not a party |

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

With regard to the two international legally binding instruments that the United Republic of Tanzania **is not yet a party**, it is important to identify and analyse the reasons preventing the country’s consent to be bound by such instruments and raise awareness to the importance of the international fisheries governance framework. Such analysis is however beyond the scope of this report.

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

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

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

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

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 the United Republic of Tanzania

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

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

² 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 the United Republic of Tanzania

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 the United Republic of Tanzania (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.

| Table 3. Meaning of the symbols used in the Ecosystem Approach to Fisheries Legal Checklist | | |
|---|---|---|
| Symbol | Perceived level of alignment with the EAF legal requirement | |
| ✓ | Full or sufficient | Part(s) in the assessed fisheries policy or provision(s) in the assessed legislation <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. ³ |
| 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 the United Republic of Tanzania.

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 Constitution of the United Republic of Tanzania of 1977, as last amended in 2005, were considered particularly relevant in incorporating the EAF legal requirements. These parts and legal provisions which, without prejudice to others that may also be relevant, were considered good examples of addressing an EAF (in the case of a policy instrument) or legislating for an EAF (in the case of a legal instrument), have been highlighted in the main findings under subsection 2.2 below as good practice in legislating for an EAF.

It should be noted that, pursuant to the Constitution of the United Republic of Tanzania, fisheries is not a Union matter, and therefore the Mainland Tanzania and Tanzania Zanzibar have each their own fisheries legal framework, unless otherwise stated. The policy and legal

³ 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.

instruments analysed in this report cover the relevant instruments of Mainland Tanzania and Tanzania Zanzibar, which were available in English.

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 the **United Republic of Tanzania** presented under **Appendix B**.

2.2.1 Fisheries policy

The assessed eight fisheries policies correspond to A1 to A8 in Appendix A. They cover **34** of the 82 EAF legal requirements.

The main fisheries policy of Mainland Tanzania is the *Fisheries Sector Master Plan 2021/22–2036/37*, developed following an EAF (Chapter 2), and whose objectives include promoting adaptive management for sustainable fisheries in accordance with the EAF, laws and regulations (Chapter 8.1). Its key guiding principles are, *inter alia*, participation, empowering communities to participate in the fisheries sector; and monitoring and evaluation mechanisms to the fisheries sector (Chapter 8.2). Under each of its four operational objectives, this policy details the outcomes, outputs, strategic interventions, key performance indicators, baseline information, timeframe, indicative budget, and the responsible authorities involved (Table 14). Various strategic interventions are important to the EAF, including: promoting conservation programmes and sustainable management of aquatic ecosystems, biodiversity conservation and protection of endangered species; promoting EAF, co-management and spatial planning; creating public awareness on the importance of aquatic ecosystems to fisheries activities; promoting the establishment of reserved aquatic ecosystems, ecosystem restoration programmes, temporary and permanent closed systems; protecting and restoring destroyed habitats and ecosystem processes; developing appropriate fisheries management plans (FMPs) and multisectoral collaborative mechanisms to facilitate implementation of FMPs (Page 60). Thematic Area Five provides for Compliance and Enforcement of Management Measures which includes strengthening MCS Units, Management of Transboundary and cross-border ecosystems and Illegal, unreported and unregulated (IUU) fishing (Chapter 8.8).

The *National Five-Year Development Plan of 2016/17–2020/21* establishes the important objectives of accelerating broad-based and inclusive economic growth for poverty reduction and benefit-sharing among people through increased productive capacities and job creation for youth and disadvantaged groups; and intensifying and strengthening the role of local actors in planning and implementation (Chapter 1[1.3][v][viii]). This plan sets out a number of key interventions relevant for an EAF, including: reversing deterioration of aquatic ecosystems for better and healthy ecosystem services and human health; enhancing community-based natural resource management systems; enforcement of environmental impact assessments (EIAs) and strategic environmental impact assessments (SEAs) (Chapter 4[4.2.6] and Appendix F).

The *National Biodiversity Strategy and Action Plan of 2015–2020* also contains important objectives for an EAF, such as ensuring multistakeholder involvement in planning, implementation and management of biodiversity, ensuring sustainable use of biodiversity through strengthened knowledge, awareness raising, training and support to scientific research and innovations (Chapter 1[1.4.2]). This plan sets out the national biodiversity targets and the respective interventions, which include, strengthening the policy, legislation and strategies and plans related to environmental pollution and waste management and their implementation and monitoring (Chapter 6[6.5]). It also highlights the efforts made to mainstream biodiversity conservation into sectoral policies, plan and strategies, which is important for the harmonization of environmental measures (Chapter 7[7.2]), and requires EIA as an essential element in industrial planning and development (Appendix 2).

The *National Fisheries Policy of 2015*, which reviews an older fisheries policy of 1997, and has no specific timeframe. Its vision, mission, goal and overall objective align with sustainable fisheries development, management, conservation and utilization, taking into account the wellbeing of fisheries stakeholders, human livelihood and poverty reduction (Chapter 2[2.1–2.4.1]). This policy's specific objectives align with an EAF, including: ensuring effective management and sustainability of fisheries resources and aquatic environment, strengthening and promoting research and development, strengthening capacity for effective participation in regional and international obligations (Chapter 2[2.4.2]). Many statements of this policy are also relevant for an EAF, explicitly promoting 'collaborative and ecosystem approach to fisheries management', collaboration with stakeholders in design and implementing mechanisms for gathering information on fisheries resources management, conduct fish stocks assessments, establishing MCS system in order to combat illegalities within the sector and the obligation of the Government to designate an Authority to deal with conservation and protection of fisheries and environment resources in marine and inland water areas (Chapter 3[3.1]).

This policy also states the prohibition of dynamite fishing in any waters of the United Republic of Tanzania, outlining the commitments of the Government to, *inter alia*: educate community on the importance of legally acceptable fishing gears and practices; and protect critical habitats for enhancing fish reproduction (Chapter 3[3.2]). It also sets out the roles and responsibilities of the ministries responsible respectively for: fisheries and aquaculture; finance; water resource; natural resources and tourism; land; agriculture; defence; judiciary; home affairs; and industries (Chapter 4[4.2]). The roles of local government authorities are defined, including participation in the management and conservation of aquatic and coastal resources and proposition of areas with conservation and biodiversity values for subsequent gazettement as protected areas (Chapter 4[4.2.11]). Also relevant are the roles of local communities which include participation in the formulation and implementation of fisheries policy, strategy, plans, including fisheries and aquaculture developments plans, programmes, projects and legislation as well as enforcement (Chapter 4[4.2.12]). Another important feature of this policy is that it requires the Government to prepare and review appropriate instruments for the fisheries sector, with stakeholder participation, as well as to ensure the regular monitoring and assessment of the performance in the policy's implementation (Chapter 5).

The main fisheries policy of Tanzania Zanzibar is the *Zanzibar Fisheries Policy of 2014 (draft)*, which is founded on the principles of sustainability, conservation, research, equity, poverty reduction, gender equity, decentralization, participation, education, cost-efficient fisheries management, transparency and accountability (Chapter 3.4). This policy also provides for various implementation strategies, including: strengthening international, regional and national fisheries cooperation; establishing a national consultative body with representative from public and private institutions directly or indirectly concerned with fisheries management (Chapter 4.1); continuing consolidating MCS system; developing an adequate fisheries research and information systems (Chapter 4.2); operationalizing and improving management of marine conservation areas; contributing to the implementation of integrated coastal zone management, and promote FMP processes for selected priority fisheries (Chapter 4.4).

Also important is the *Zanzibar Blue Economy Policy of 2020*, which refers to and recalls the importance of the 2014 Zanzibar Fisheries Policy (Page 5), and stresses the actions needed to, *inter alia*, support sustainable artisanal fisheries (Page 9). Chapter 4.1 establishes specific strategic interventions for fisheries, which include: developing reliable and accurate fisheries statistical database; enhancing the knowledge base for fishing and increasing scientific assessments; promoting and modernising artisanal fishing practices through education and technology; and improving nutritional security through enhanced access to marine and fishery products (Pages 22–23). The ministry in charge of fisheries and aquaculture is mandated to, *inter alia*, creating a conducive environment for artisanal fishers to access technologies and engage in the sector, and safeguarding the rights of fishers and protection to their landing sites (Page 28).

The *Wildlife Policy of 1998* has a vision that also promotes conservation of biodiversity, involvement of all stakeholders in wildlife conservation, sustainable utilization of wildlife resources and promotion of exchange of relevant information and expertise nationally, regionally and internationally (Page III). It promotes the maintenance and development of protected areas network for enhancing biodiversity and the transfer of the management of wildlife management areas to local communities, taking care of corridors, migration routes and buffer zones, as well as taking the appropriate MCSE (Chapter 3[3.2.1]). It also fosters cooperation with neighbouring countries in the conservation of transboundary species and ecosystems (Chapter 3[3.2.4]). For the protection of biodiversity, this policy requires the Government to continue to, *inter alia*, identify, create and upgrade series of protected areas network and important wetlands to safeguard the biological diversity and establish a new category of protected area for effective community-based conservation (Chapter 3[3.3.1]).

The *National Environmental Policy of 1997* provides various references relevant to an EAF and dedicates a specific part to fisheries, which include the following objectives: control of destructive fishing and processing methods by regulation, especially dynamite fishing and use of poisonous chemicals in fishing; control of introduction of non-indigenous species; protection of fragile ecosystems and endangered species through proper fisheries management (Chapter 3[60]). It also highlights the need for EIAs to integrate environmental

considerations in decision-making processes, a cornerstone of which is the public consultations and public hearings in the EIA procedures (Chapter 4[63–67]). This policy also clearly provides for the precautionary approach (Chapter 4[81]) and for a common management of shared ecosystems among the relevant countries (Chapter 4[82]).

2.2.2 Fisheries primary legislation

The assessed four fisheries primary legislation correspond to B1 to B4 in Appendix A. They cover **40** of the 82 EAF legal requirements.

The main primary fisheries legislation of Mainland Tanzania is the *Fisheries Act of 2003*, amended in 2020 by the Written Laws (Miscellaneous Amendments) Act, 2020 (hereinafter referred to as “Fisheries Act”). This Act strictly applies to Mainland Tanzania (Section[1][2]). It provides for a central registry of fishing vessels, appointing the director of fisheries as the Registrar (Section 5[3][4]) and requires the director and all relevant officers to provide and disseminate information and guidance to the public in connection with the implementation of this Act (Section 7). The director is required to ensure that all local government authorities and associations of local authorities and other fisheries management authorities are consulted and kept Informed of fisheries management; in the event of conflict between the local authority management plan and other local authority, the director and other relevant officers and members of the local authority are required to consult and use their best endeavours to reconcile variances (Section 8[1][2]). This Act also empowers the director to notify local authorities to rectify and improve their fisheries management according to the 1995, FAO Code of Conduct for Responsible Fisheries (CCRF) (Section 8[3]) and entitles the minister for local government authority in case of mismanagement of the functions related to fisheries by the local authority to take the necessary measures to remedy the mismanagement (Section 8[5]).

The Fisheries Act of Mainland Tanzania requires cooperation among government authorities in a number of issues, including: encouraging stakeholders’ involvement in planning, development and management of fishery resources; pursuing the continuation and introduction of fisheries integrated programme of effective management of coastal zone; enhancing regional and international collaboration in the sustainable utilization, management and conservation of resources in shared water bodies (Section 9[1][f][j][k]). The director of fisheries is also empowered to enter into a management agreement with Beach Management Units (BMUs), which are formed by fishing community members for the management, conservation and protection of fish in their locality in collaboration with the Government (Sections 2 and 18).

The Fisheries Act of Mainland Tanzania provides for consultation with environmentally knowledgeable public and private sectors prior to the minister declaring the conservation of any critical habitat or endangered species by order in the Gazette (Section 23[1]). It also establishes the Fisheries Development Fund, to be managed by a Committee of Fisheries Development Fund appointed by the minister (Section 29) whose objects and purposes include: the promotion of public education, training and awareness of the importance of protection, development and sustainable use of fisheries resources; the development of

research in fisheries and support to fisheries protection activities (Section 30). The minister is required to establish a Surveillance Unit and appoint its members, to protect fish and its environment, fishery products and aquatic flora against unlawful dealers and generally ensure the enforcement of the Act (Sections 31–32) empowering its officers to *inter alia* stop and board the fishing vessel and calling it to port or landing site (Section 33), as well as to prosecute, seize or search (Sections 34–37). In addition to judicial procedures, the Fisheries Act provides for the compounding of offences to the Act or in the regulations made under the Act, which can be settled through the acceptance of a sum of money, not exceeding one half of the amount of the fine to which the offender would have been liable to pay if the offender had been convicted of such offence, or the release of any vessel or tool seized in connection with the offence on payment of a sum of money (Section 40). Another relevant provisions for an EAF are the requirement to undertake an EIA by any person carrying out any development activities under the Act (Section 52) and the outline of research areas by the director of fisheries, in collaboration with research institutions and other stakeholders, who may call for any research information obtained to be disseminated to the public (Sections 53–54).

The main primary fisheries legislation of Tanzania Zanzibar is the *Fisheries Act of 2010*. This Act strictly applies to Zanzibar (Section 1). It establishes the department of fisheries (Section 4), whose functions include: promote, develop, control and monitor artisanal and semi-industrial fisheries; foster sustainable use of marine resources; educate and promote public awareness on fishing activities; and carry out scientific research for proper fisheries management (Section 5[a][c][d][f]). The minister is responsible for imposing fishing conditions, as necessary, by notice published in the Gazette (Section 7). The director is in charge of preparing and keeping under review FMPs, which, based on the best information available, must assess the state of exploitation of each resource and necessary measures to achieve its optimum utilization (Section 8) and to impose, by order or as a condition of the licence, management measures including closed season and limitations on the amount, size, age and other characteristics of species (Section 9).

The Fisheries Act of Tanzania Zanzibar also requires the minister to cooperate with other government agencies in regulating artisanal and semi-industrial fisheries and related activities in Zanzibar (Section 11[1]), ensuring that the development of other fishing industries does not damage artisanal fisheries (Section 11[2]). A fishing licensing scheme is provided (Sections 14–18). The Marine Conservation Unit, established under the department in charge of fisheries (Section 19[1]), is responsible for coordinating the sustainable management of areas regulated by the Act (Section 19[2]). Fishing controls include the prohibitions of: explosive, poison or other noxious substance (Section 20); fishing net or trap with mesh size measuring less than the prescribed minimum size (Section 21); catching, retaining, landing, selling, buying, receiving or having in possession fish measuring less than the prescribed minimum size (Section 22). Provisions on enforcement and powers of authorized officers are also outlined (Section 23), as well as provisions on offences and penalties (Sections 28–32).

The *Deep-Sea Fisheries Management and Development Act of 2020* applies to Mainland Tanzania and Tanzania Zanzibar (Section 2[1]). It provides for the continuation of Deep Sea Fishing Authority (DSFA), clearly outlining its responsibilities and functions which include: to formulate, implement and monitor the implementation of national policy and strategies concerning the conservation, management, development and sustainable use of fishery

resources in the exclusive economic zone (EEZ); develop, manage and control all activities relating to fisheries including fishing and related activities in relation to the EEZ and all areas such as licensing, data collection, coordinating MCSE activities; and formulate and coordinate programmes for scientific, economic, social or other research on fisheries (Section 6). The Director-General of the DFSA is empowered to, in consultation with stakeholders, prepare or cause to be prepared FMPs, which must have detailed contents on, *inter alia*, fishery characteristics, objectives and plans for monitoring and review (Section 24[2]–[5]). Marking of fishing gears is also required by the operator of any fishing vessel in the EEZ or of Tanzanian-flagged fishing vessels within the area of competence of the relevant regional fisheries management organization (RFMO) and the marking of fishing vessels is subject to regulation (Sections 25 and 101[k]). This Act also empowers the minister responsible for fisheries in Mainland Tanzania to, on the advice of the DFSA’s Director-General and in consultation with the minister responsible for fisheries in Tanzania Zanzibar and the minister responsible for environment in Mainland Tanzania and Tanzania Zanzibar, declare any fish as protected, threatened or endangered by order published in the Gazette, according to international standards and/or best available scientific evidence (Section 32). In order to meet national, regional and international requirements relating to information and data the Act provides for the establishment and maintenance of an information system and register which shall contain information, data and statistics to be prescribed by regulations (Section 51) and grants public access to non-confidential information from the register, subject to the payment of a fee (Section 52). Information received and recorded from the VMS is to be treated as confidential and can only be revealed under the conditions specified under Section 54. The *Fisheries Research Institute Act of 2016* provides for the Tanzania Fisheries Research Institute (TAFIRI), delineating its functions, which include carrying out and promoting inquiries, experiments and research in fisheries and aquaculture; advising the Government, public institutions and other persons or bodies engaged in the fisheries sector on the practical application of the findings of such research activities; and carrying out research programs to facilitate the discovery of causes, ways of abating and preventing marine pollution (Section 6[1][2]). The TAFIRI is required to focus research on various areas, including aquatic ecosystems and biodiversity inventories; sustainability of aquatic ecosystems and resources; aquatic invasive alien and endangered species; bycatch in relation to biodiversity; ocean or lake acidification; IUU fishing; gender and fisheries (Section 15).

2.2.3 Fisheries secondary legislation

The assessed eight fisheries secondary legislation corresponds to C1 to C8. They cover **45** of the 82 EAF legal requirements.

The main fisheries secondary legislation of Mainland Tanzania is the *Fisheries Regulations of 2009*, as amended in 2020 (hereinafter referred to as “*Fisheries Regulations*”), which regulates in more detail the Fisheries Act of Mainland Tanzania. These regulations require an identification mark in every registered fishing vessel (Regulation 7), detail the fishing licensing scheme (Regulations 11–19) and requires every licensing officer to keep and maintain a register of all fishing vessels licenced within their area of jurisdiction (Regulation 15). It also provides specific spatial controls such as the prohibition on prawn trawling within two nautical miles from the lowest mark in the inner waters of the Indian Ocean (Regulation 20[3]). The

BMUs are regulated as well, with the purpose of promoting collaborative fisheries management to manage, protect and conserve fishery resources, biodiversity and environment (Regulation 25). The director of fisheries is required to, in collaboration with the TAFIRI, carry out fish stock assessment, biodiversity, environmental, ecological and socioeconomic studies as a strategy for effective management of resources (Regulation 27).

The Fisheries Regulations provide for fishing gears controls and prohibits destructive gears such as use of poisons and explosives (Regulations 47–48). The director of fisheries is also required to, after consultation with relevant stakeholders, declare critical habitats in the official Gazette (Regulation 54). It is prohibited to erect, construct, use or maintain in the territorial waters any net or other fishing gear that unduly obstructs the migration of breeding fish (Regulation 65). Details on vessel monitoring system (VMS) are provided by these regulations (Regulation 69) as well as the requirement of an EIA report approved by the relevant authority prior to the approval of fish or aquaculture establishments (Regulation 77[4][c]). Although this instrument does not outline nor define the precautionary approach, it requires the fish inspector to take precautionary action by closing any fish establishment when convinced that conditions in the establishment constitute a high risk to consumers health, or approximate fraud (Regulation 139[1]). It also provides that the Fisheries Development Fund support, *inter alia*, the protection, rehabilitation and enhancement of the habitat, MCS, awareness raising and facilitation of fisheries statistical data collection, processing, analysis, publication and dissemination (Regulation 141[1]).

The main fisheries secondary legislation of Tanzania Zanzibar is the *Fisheries Regulation of 1983*. As this instrument was not available in English, it has not been assessed in this Report.

The *Deep Sea Fisheries Management and Development Regulations of 2021* regulate the Deep Sea Fisheries Management and Development Act (see subsection 2.2.2). It reinforces the principles to guide DFSA in performing its functions and exercising its powers, including the precautionary principle, the principles of ecosystem integrity, public participation and international and regional cooperation in fisheries management (Section 3[1]). Special requirements for the retention on board of albacore, bigeye tuna, skipjack tuna and yellowfin tuna are outlined therein (Section 5), as well as for the conservation of sharks and these in association with other fisheries in the United Republic of Tanzania's EEZ and in areas beyond national jurisdiction (ABNJ) (Sections 6–9). These regulations also provide specific requirements for the conservation of marine turtles (Section 10) and the incidental bycatch of seabirds in longline fisheries (Section 11). Fishing vessels in the EEZ and in ABNJ must meet the rules on fishing gears and vessels marking (Section 12), fish aggregating device (FAD) (Section 13) and other prohibitions relating to certain fishing gears such as large-scale driftnets (Section 16). These regulations detail the licensing, authorization and permission scheme (Sections 20–35), including the duty of fishing vessels' operators to maintain logbooks and report on the activities (Section 36), respect the landing and transshipment requirements (Section 38), and to register the Mobile Transceiver Unit (MTU) with the DFSA (Section 39). Other MCSE rules stipulated in these regulations include the duty of the vessels' operators to report upon entry and exit from the EEZ (Section 43), mechanisms for coordination between the DFSA and the relevant authorities in relation to procedures within the scope of the Regulations (Section 49), enforcement powers of authorised officers (Sections 50–55),

provisions on the fishery observers scheme and the duty of the operator and crew of a fishing vessel to assist them (Sections 56–59). The Director-General is in charge of establishing a Vessel Monitoring Operation Center for monitoring and operating the fishing activities, MTU and data collection (Section 65). The fishing vessels' operators also have the duty to maintain an Automatic Identification System (AIS) (Section 68) and to comply with the applicable port states measures (Sections 69–78). The Director-General is subject to the general information of information sharing in the form and manner as may be required pursuant to applicable International Conservation and Management Measures and with the relevant RFMOs (Section 84).

The *Deep-Sea Fishing Authority Regulations of 2009* requires a licensee to ensure that licensed vessel do not discard bycatch at sea and that rare fish and seabirds species listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and any other Convention which the country is a party are not caught and in case of incidental catch are returned to the sea as soon as possible (Regulation 10[1][a][ii][b]). This provision on CITES is an example of fisheries legislation that explicitly refers to CITES, providing special attention to CITES-listed species. It is particularly important due to the growing concern with the listing of aquatic species commercially exploited by the fisheries sector in CITES Appendices (Nakamura and Kuemlangan 2020). The DFSA's Director-General is required to, in collaboration with relevant stakeholders, carry out fish stock assessments, conduct studies on fish migratory patterns, fishing seasons, biodiversity, environmental, socioeconomic factors or any other fishery related study for the effective management of the fishery resources (Regulation 20). Landing and transshipment requirements are established as well as prohibitions on water pollution and marine environment degradation (Regulations 24–25). Other important provisions of this instrument include the roles and responsibilities of observers and fisheries inspectors (Regulations 34–35), the regulation of VMS, and the reporting requirements (Regulation 40).

The *Regulations No. 370 of 1994* details fishing gears restrictions in certain areas of Lake Victoria specified therein. The *Regulations No. 81 of 1983* are relevant for MCSE, establishing the requirement on identification of authorised officers. The *Regulations No. 109 of 1982* prohibits the use of destructive fishing gears such as explosives, electrical devices and dynamite. The *Regulation of 1981* prescribes fishing gears restrictions in specified areas, regulating spatial and temporal controls. The *Regulations No. 137 of 1975* provides for marine reserves where fishing is prohibited. These regulations include various activities that are prohibited in marine reserves but do not clarify their process of establishment.

2.2.4 Other sectors primary legislation

The other sectors primary legislation corresponds to D1 to D7 in Appendix A.

The *Environmental Management Act of 2004* (hereinafter referred to as “*Environment Act*”) contains several provisions relevant for an EAF. It aims to provide for and promote the enhancement, protection, conservation and management of the environment (Section 7[1]), thereby providing for the coordination of harmonious and conflicting activities with a view to integrating such activities into an overall sustainable environmental management system by providing technical support to sector ministries (Section 7[2]), which are required to establish

an environmental section (Sections 30–31). It requires all person exercising power thereunder to observe the principles of, *inter alia*, preventing or minimizing adverse effects through long-term integrated planning and coordination, integration and co-operation efforts, which consider the entire environment as a whole entity; the precautionary principle; public participation in the development of policies, plans and processes for environment management; sustainable use of renewable natural resources and ecosystems in a way that does not prejudice their viability and integrity (Section 7[3]).

The Environment Act establishes a National Environmental Advisory Committee that is broadly represented (Section 11 and First Schedule), whose functions include reviewing and advising on any environmental standards, guidelines and regulations (Section 12). It requires the minister to *inter alia*: facilitate participation of the general public in preparing and disseminating the National Environmental Action Plan (Section 46); take into account the interests of local communities in or around the area when determining whether or not to declare an environmental protected area (Section 47); and to prepare protection plans for that area (Section 48). This minister is also required to, after consultation with the minister responsible for local government authorities and any other relevant institution, make regulations for the promotion of integrated coastal zone environmental management (Section 59); and to strive to attain the conservation of biodiversity, its sustainable use and the fair and equitable sharing of benefits arising from the utilization of genetic resources (Section 66). The requirements and process for EIA are detailed by this Act, including the provisions on public participation and public hearings (Sections 89–90). The Act also provides for the overall participation of the public in environmental decision making (Section 178).

The *Water Resources Management Act of 2009* aims at ensuring that national water resources are protected, used, developed, conserved, managed and controlled according to the principles of, *inter alia*, promotion of stakeholders' involvement in water resources management at all levels especially ensuring decentralisation to the lowest possible level of government; protection of biodiversity especially aquatic ecosystems; providing integrated planning and management of surface and groundwater resources (Section 4[1]). It follows the precautionary principle as well as the principles of ecosystem integrity, public participation and international cooperation (Section 5). Another relevant provision of this Act is the empowerment of the minister to prepare integrated water resources management plans (Section 31) and to develop policies and strategies for ensuring sustainable, equitable utilisation and management of transboundary waters (Section 98).

The *Wildlife Conservation Act of 2009* is particularly important for the delineation of ecological boundaries as it aims to, *inter alia*, protect, conserve and manage areas with great biodiversity by also giving special conservation status to endemic, rare or endangered wildlife species; promote and enhance the development of wildlife ecosystem and development of protected areas network for enhancing biodiversity conservation; encourage, promote and facilitate active involvement and participation of local and traditional communities in sustainable management and use and conservation of wildlife resources (Section 5[1]). It provides for the respective rules of establishment and requirements for game reserves, wetland areas, wetland reserves, protection of wildlife corridors, buffers zones, migratory routes, special management areas and closed seasons (Sections 14–28). It provides for the establishment of

wildlife management areas requiring that activities to be conducted in those areas shall be in conformity with, among others, the Fisheries Act (Section 31) and requires an EIA for every significant physical development in wildlife protected area (Section 35).

The *Marine Parks and Reserves Act of 1994* establishes the Marine Parks and Reserves Unit, to be under the Division of Fisheries, whose functions include establishing, monitoring, controlling and managing marine parks and reserves as well as seeking funds for the establishment and development of marine parks and reserves (Section 3). This Act is also relevant for the delineation of ecological boundaries and allows, for instance, the management plans for the marine parks or reserves to specify a minimum distance from the boundaries of such areas as well as a list of villages in the vicinities which affects or are affected by them (Section 8). Each village council is required to participate fully in all aspects of the development or any amendment of the regulation, zoning and general management plan of the marine park (Section 8[5]). The declaration of marine parks is subject to consultation with relevant local government authorities and is published in the Gazette (Section 9) for the purposes of, *inter alia*, protecting, conserving and restoring species and genetic diversity of living and non-living marine resources and ecosystem processes of marine and coastal areas; managing marine and coastal areas to promote sustainability of resources and recovery of areas and resources that are overexploited or otherwise damaged (Section 10). This Act also details the requirements of the general management plan, its preparation and adoption (Sections 14–16).

The *Ports Act of 2004*, the *Surface and Marine Transport Regulatory Authority Act of 2001* and the *Merchant Shipping Act of 2003* are relevant instruments for MCSE and provide requirements related to activities with an impact on fisheries. These instruments do not have specific provisions relevant for the present assessment, except the latter Act, which provides, for instance, requirements on registration and licensing of Tanzanian ships (Part IV) and identification marks of registered in the Registrar of Ships fishing vessels (Section 43).

2.2.5 Other sectors secondary legislation

The other sectors secondary legislation corresponds to E1 to E3 in Appendix A.

The *EIA and Audit Regulations of 2005* provides further details on EIA requirements, the process of registration of the project, screening, submission, allowing time for comments (Regulations 5–8) and listing the objectives of any EIA (Regulation 12) as well as the scope of the report (Regulation 13). Public participation in the process of conducting an EIA is ensured through, among other, the holding of public meetings with the affected parties and communities, and opportunities for them to comment (Regulation 17). The minimum information for environmental impact statement (EIS) is also listed in these regulations, as well as the detail review process (Regulations 18–30), which also includes public hearings. Medium to large scale fisheries as well as aquaculture are subject to mandatory EIA (1st Schedule A).

The *Regulations on Wildlife Management Areas of 2012* have important provisions for an EAF, especially in respect of the involvement of stakeholders locally in the management of

resources. A Wildlife Management Area can be established, on the basis of its ecological viability or part of ecologically viable ecosystem, in an area outside of core protected areas, used by local community members and within the village land (Regulation 8). A Community Based Organization is entitled to manage this area (Regulation 10), having the Village Council the responsibility to, *inter alia*, coordinate natural resources activities at village level and formulating natural resources management bylaws (Regulation 17). Any person involved in the management of such areas must guarantee sustainable conservation and utilisation of wildlife resources and safeguard the interests of traditional communities (Regulation 29). It grants the Village Game Scouts with the power to assist fisheries officers in supervising the utilisation of fish resources and products in Wildlife Management Areas (Regulation 57).

The *Licensing of Unregistered Vessels Regulations of 1967*, while being in other sector's secondary legislation, applies to unregistered fishing vessels of less than 25 gross tonnage on all lakes, rivers, inland waters and territorial seas (Regulation 3). It details the procedure for obtaining a licence, including the documentation requirements for application, fees and allocation of identity mark (Regulations 3–10).

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 the United Republic of Tanzania 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, **68** EAF legal requirements were found in the United Republic of Tanzania's policy and legal frameworks assessed in this EAF Legal Report. It should be noted that the 82 EAF legal requirements are considered the minimum standards in legislating for an EAF which may be further elaborated and improved in advancing the implementation of an EAF. Based on the present preliminary assessment, **14** EAF legal requirements remain to be incorporated in the policy and legal frameworks of the United Republic of Tanzania.

The results obtained in this Report indicate a fairly satisfactory alignment of the policy and legal frameworks of the United Republic of Tanzania with an EAF. Despite the recently adopted fisheries policy and legal instruments, some key EAF legal requirements have not been found in the assessed instruments.

The assessed policy and legal instruments of the United Republic of Tanzania did not provide for the periodic review of conflict management processes over fisheries resources and ecosystems, as required under EAF Component 7. No requirements were found on the periodic review of managed aquatic ecosystems and integrated management plans, in misalignment with EAF Component 8. Key fisheries management requirements remain unaddressed by the assessed policy and legal instruments concerning detailed regulation on TAC, effort controls and details on licensing, as required under EAF Component 9.

FMPs are only partially regulated by the assessed policy and legal instruments - major gaps include the drafting process with multistakeholder participation, the incorporation of the full list of minimum requirements and the coordination with integrated management plans for aquatic ecosystems, as required under EAF Component 10. With respect to MCSE, the requirements on observers, and their alignment with regional observer programs, as well as on reporting and registration of all fishing vessels, should be reviewed in line with EAF Component 11.

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

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

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

The policy and legal instruments of the United Republic of Tanzania, assessed in this Report, incorporate **68** out of the 82 EAF legal requirements, therefore indicating a **medium-high** level of alignment with the EAF.

3.3 Final considerations and proposed way forward

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

The incorporation in the national policy and legal frameworks of all the EAF relevant provisions from international legally binding instruments⁴ to which the United Republic of Tanzania is a party, as identified under subsection 1.2 above, should be a priority in the improvement of the EAF implementation at the national level. The relevant EAF provisions from the international non-legally binding instruments that reflect principles of international law should also be incorporated in the national policy and legal frameworks.

With respect to the assessed policy and legal instruments, some gaps have been identified which should be addressed to ensure full implementation of an EAF in the country. The following subjects could benefit from a detailed review and update in the relevant policy and legal instruments: “institutional arrangements” (especially review of conflict management processes) and control on fishing operations” (especially fishing efforts, licensing, and TACs), “fisheries management” (particularly FMPs), “and “MCSE” (especially alignment with regional observers’ scheme, registration and reporting).

⁴ See Appendix A of the EAF Legal Diagnostic Tool.

The review of policy and legal instruments with respect to “fishery management plans”, “fisheries management” and “MCSE” could be led by fisheries whereas others, such as “conflict management” would require a more active involvement of other sectors in the review of their transversal relevant provisions.

According to the Ministry of Livestock and Fisheries of the United Republic of Tanzania, there is a need to develop a Policy Implementation Strategy in order to implement the specific directives and objectives of the existing fisheries policy, and address the identified gaps.

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

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

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

| Identification | Instruments of the UNITED REPUBLIC OF TANZANIA |
|----------------|--|
| A | Fisheries Policies |
| A1 | 2021/22–2036/37 Fisheries Sector Master Plan of Mainland Tanzania |
| A2 | 2020 Blue Economy Policy of Zanzibar |
| A3 | 2016/17–2020/21 National Five Year Development Plan |
| A4 | 2015–2020 National Biodiversity Strategy and Action Plan |
| A5 | 2015 National Fisheries Policy |
| A6 | 2014 Fisheries Policy of Zanzibar |
| A7 | 1998 Wildlife Policy of Tanzania |
| A8 | 1997 National Environmental Policy |
| B | Fisheries Primary Legislation |
| B1 | Act of 2020 on Deep-Sea Fisheries Management and Development |
| B2 | Act No. 11/2016 on the Tanzania Fisheries Research Institute |
| B3 | Act No. 7/2010 on Fisheries in Zanzibar |
| B4 | Act No. 22/2003 on Fisheries in Mainland Tanzania, as amended in 2020 by the Written Laws (Miscellaneous Amendments) Act, 2020 |
| C | Fisheries Secondary Legislation |
| c1 | Regulations G.N. No. 5/2021 on Deep Sea Fisheries Management and Development Regulations |
| c2 | Regulations G.N. No. 308/2009 on Fisheries in Mainland Tanzania, as amended in 2020 |
| c3 | Regulations G.N. No. 48/2009 on Deep Sea Fishing Authority |
| c4 | Regulations No. 370/1994 on Prohibition of Use of Specified Vessels or Tools |
| c5 | Regulations No. 81/1983 on Authorised Officers' Identification |
| c6 | Regulations No. 109/1982 on Explosives Poisons and Water Pollution |
| c7 | Regulation of 1981 on Fisheries Inland Waters |
| c8 | Regulations G.N. No. 137/1975 on Marine Reserves |
| D | Other Sector's Primary Legislation |
| D1 | Act No. 11/2009 on Water Resources Management |
| D2 | Act No. 5/2009 on Wildlife Conservation |
| D3 | Act No. 20/2004 on Environmental Management |
| D4 | Act No. 17/2004 on Ports |
| D5 | Act No. 21/2003 on Merchant Shipping |
| D6 | Act No. 9/2001 on Surface and Marine Transport Regulatory Authority |
| D7 | Act No. 29/1994 on Marine Parks and Reserves |
| E | Other Sector's Secondary Legislation |
| E1 | Regulations G.N. No. 206/2012 on Wildlife Management Areas |
| E2 | Regulations G.N. No. 349/2005 on Environmental Impact Assessment and Audit |
| E3 | Regulations G.N. No. 43/1967 on Licensing of Unregistered Vessels |

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. | ✓ | ✓ | ✓ | ✓ | ✓ | (A4) Chapter 1(1.4.1) (A5) Chapters 1–2 (B1) Sections 2 and 4 (B2) Section 2 (B3) Section 2 (B4) Section 1 (C3) Regulation 2 (D1) to (D4) Sections 2 respectively (D5) Section 3 (E2) Regulation 2 (E3) Regulation 3 | |
| | Principles and objectives | | | | | | | | |
| C.1 EAF concepts C.3 Precautionary approach C.4 Stakeholder participation | 2. | – Clearly define and apply the precautionary approach. | ✓ | X | ✓* | ✓ | X | (A6) Chapter 3.4 (A8) Chapter 4(81) (C1) Regulations 3(1)(a) and 42(3)(a) (C2) Regulation 139 (C3) Regulation 19(a) | While (A6), (C1), (C2) and (C3) do not define the precautionary approach, they apply the approach. They should be read in conjunction with |

Perceived level of alignment with the EAF legal requirement

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

| EAF components | EAF legal requirement | | Fish. policy | Fisheries legislation | | Other sectors legislation | | Policy and legal basis | Comments and explanatory notes |
|---|-----------------------|---|--------------|-----------------------|------|---------------------------|------|---|--|
| | | | | 1ary | 2ary | 1ary | 2ary | | |
| C.6 Integration of lower level authorities C.7 Conflict management and C.11, C.13, C.14 and C.17 | | | | | | | | (p1) Section 5(a) (p3) Section 7(3)(c) | (A8), which provides for the definition. |
| | 3. | – Broaden stakeholder participation with integration of lower level authorities and bodies. | ✓ | ✓ | ✓* | ✓ | ● | (A1) Chapter 8.2 (A3) Chapters 1(1.3[viii]) and 4(4.2.6) (A4) Chapter 1(1.4.2) and Pages 74–75 (A5) Chapters 2(2.4.2(iv)(viii) – (xii), 3(3.1, 3.16) (A6) Chapter 3.4 (A8) Chapter 3(43–44) (B4) Section 9(1)(f) (c1) Regulation 3(1)(d) (c2) Regulation 25 (p1) Section 5(d) (p2) Section 5(1)(g) (p3) Section 7(3)(f)(g) | |
| | 4. | – Ensure the right of access to fair and transparent information. | X | ✓ | ●* | ✓ | ● | (B4) Section 7 (p3) Section 172 | |
| | 5. | – Promote institutional coordination, cooperation and integration. | ✓ | ✓ | ✓* | ✓ | ● | (A5) Chapters 3(3.1) and 5(5.1) (A8) Chapter 3(70) (B1) Section 6(b)(vii)(e) and 16(1)(b) (c2) Regulations 24(4), 25 and 30 (p3) Section 7(3)(b) | |

Perceived level of alignment with the EAF legal requirement

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

| EAF components | EAF legal requirement | | Fish. policy | Fisheries legislation | | Other sectors legislation | | Policy and legal basis | Comments and explanatory notes |
|----------------|---|--|--------------|-----------------------|------|---------------------------|------|---|--|
| | | | | 1ary | 2ary | 1ary | 2ary | | |
| 6. | – Maintain ecological relationships among harvested, dependent and associated species. | | X | X | ●* | ✓ | ● | (D1) Section 5(c) (D2) Section 5(1)(a) | |
| 7. | – Promote sustainable development and avoid overexploitation of marine living resources. | | ✓ | ✓ | ●* | ✓ | ● | (A1) Chapter 8.1 (A5) Chapter 2(2.1–2.4) (A6) Chapter 3.4 (A8) Chapter 3(18[a]) (B3) Section 5(d) (B4) Section 9(2)(a)(b) (D3) Section 7(3)(a)(i)(k) | Provision in (A8) is general on the prevention of environmental degradation or risking health or safety. |
| 8. | – Preserve marine habitat, conserve and restore marine living resources and biodiversity. | | ✓ | ✓ | ●* | ✓ | ● | (A1) Page 60 (A3) Chapter 4(4.2.6) (A4) Chapters 1(1.4.2) and 6(6.2–6.4) (A5) Chapter 3(3.2) (A8) Chapter 3(18(c)(d) and 31–33) (B4) Section 9(2)(d)(e) (D2) Section 5(1)(a)(d) (D3) Section 66(1) | |
| 9. | – Promote ecosystem well-being, including the human biotic and abiotic components. | | ✓ | ✓ | ✓* | ✓* | ●* | (A1) Chapter 8.1 and Page 60 (A3) Chapter 4(4.2.6) (A5) Chapter 3(3.1) (A8) Chapter 3(18(b)(c) (B4) Section 9(1)(d)(e) | |

Perceived level of alignment with the EAF legal requirement

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

| EAF components | EAF legal requirement | Fish. policy | Fisheries legislation | | Other sectors legislation | | Policy and legal basis | Comments and explanatory notes |
|----------------|--|--------------|-----------------------|------|---------------------------|------|--|--------------------------------|
| | | | 1ary | 2ary | 1ary | 2ary | | |
| | | | | | | | (c1) Regulation 3(1)(c) (p1) Section 5(c) (p2) Section 5(1)(d) (p3) Section 7(3)(k) | |
| 10. | – Promote adaptive management measures, including their regular monitoring and review. | ✓ | X | ●* | ●* | ●* | (A1) Chapter 8.1 (A5) Chapter 5(5.2) | |
| 11. | – Harmonize management measures, including those for shared resources. | ✓ | ✓ | ●* | ✓* | ●* | (A5) Chapters 3 (3.15) and 4(4.2.15) (A7) Chapter 3(3.2.4) (A8) Chapters 1(9) and 4(82) (B4) Section 9(1)(k) (p3) Section 180 | |
| 12. | – Reduce and manage conflict between users and stakeholders over fisheries resources and ecosystems. | ✓ | ✓ | ✓* | ✓* | ●* | (A5) Chapter 4(4.2.3[ii]) (B4) Section 17(o) (c2) Regulation 134(1)(i) (p3) Section 7(2) | |
| 13. | – Consider socioeconomic contexts (e.g. employment, livelihoods, equity, poverty, gender) when designing and implementing management measures. | ✓ | ✓ | ●* | ✓* | ●* | (A1) Chapter 8.1 (A3) Chapter 1(1.3)(v) (A5) Chapter 2(2.1–2.4) (A6) Chapter 3.4 (A8) Chapter 3(19–25) (B4) Section 9(1)(e) (p3) Section 7(3)(i) | |

Perceived level of alignment with the EAF legal requirement

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

| EAF components | EAF legal requirement | Fish. policy | Fisheries legislation | | Other sectors legislation | | Policy and legal basis | Comments and explanatory notes |
|----------------|--|--------------|-----------------------|------|---------------------------|------|--|--|
| | | | 1ary | 2ary | 1ary | 2ary | | |
| 14. | – Promote management measures, designate the authority and outline the timeline and process for their monitoring and review. | ✓ | X | ●* | ●* | ●* | (A1) Table 14 (A5) Chapter 3(3.1) | |
| 15. | – Provide for the establishment of MCSE measures. | ✓ | ✓ | ●* | ●* | ●* | (A1) Pages 71–75 (A5) Chapter 3(3.1 and 3.3) (A6) Chapter 4.2 (B1) Section 6(b)(vii) | |
| 16. | – Promote ecosystem-based research plans/priorities, designate the authority and outline the timeline and process for their monitoring and review. | ✓ | ∅ | ∅* | X* | X* | (A1) Table 14 (A5) Chapters 2(2.4.2[iii]) and 3(3.4 and 3.12) (B1) Sections 6(d) and 16(1)(j) (C2) Regulation 27 | References in (A5) and provisions in (B1) and (C2) do not outline timeline and process for monitoring and review. |
| 17. | – Promote the right of access to education and awareness raising on EAF. | ✓ | ✓ | ✓* | ✓* | ●* | (A4) Chapter 1(1.4.2) (A5) Chapter 3(3.2 and 3.16.1) (A6) Chapter 3.4 (A7) Chapter 3(3.2.3, 3.3.4, 3.3.15) and 4(4.1.3) (A8) Chapter 3(18(e) and 34–39) (B1) Section 16(1)(j) (B3) Section 5(c) (B4) Section 30(a) (C2) Regulation 141(1)(c) (C3) Regulation 63 | Reference in (A4)–(A5) do not specifically address the right of access to education, which is addressed in (A7) and in (A8) and provisions in (B1) and (B3) broadly provides for the promotion of education, information and public awareness. |

Perceived level of alignment with the EAF legal requirement

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

| EAF components | EAF legal requirement | | Fish. policy | Fisheries legislation | | Other sectors legislation | | Policy and legal basis | Comments and explanatory notes |
|--|-----------------------------------|--|--------------|-----------------------|------|---------------------------|------|--|--|
| | | | | 1ary | 2ary | 1ary | 2ary | | |
| | | | | | | | | (D3) Sections 17(2)(h), 172–177 | |
| | 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 | ✓* | ✓* | (A5) Chapter 4(4.2.11[xiv]) (A7) Chapter 3(3.2.1, 3.3.1 and 3.3.3) (B4) Section 4(3) (D3) Sections 47–59 (D7) Sections 8–15 (E1) Regulation 8 | Provision in (B4) empowers the director to publish directives or circulars on fisheries related matters, hence where necessary aquaculture development guidelines may be formulated. |
| C.4 Stakeholder participation | | (b) overlapped closely and are harmonized with well-established management boundaries and governance structures. | ✓ | X | X | ✓* | ✓* | (A7) Chapter 3(3.3.1 and 3.3.3) (D3) Sections 47–59 (D7) Sections 8–15 (E1) Regulation 8 | |
| C.5 Coordination, cooperation and integration | 19. | – Promote states cooperation on the harmonization of management measures and plans (bilaterally, regionally and internationally). | ✓ | ✓ | ✓ | ✓* | ●* | (A1) Page 73 (A5) Chapters 3(3.2, 3.5 and 3.13) and 4(4.2.15) (A6) Chapter 4.1 (A7) Chapter 3(3.2.4) (A8) Chapter 3(18[f]) and 4(82–85) (B1) Section 16(1)(d)(e)(g) | |
| C.7 Conflict management | | | | | | | | | |
| C.8 Integrated management of aquatic ecosystems | | | | | | | | | |

Perceived level of alignment with the EAF legal requirement

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

| EAF components | EAF legal requirement | Fish. policy | Fisheries legislation | | Other sectors legislation | | Policy and legal basis | Comments and explanatory notes |
|----------------|--|--------------|-----------------------|------|---------------------------|------|--|--------------------------------|
| | | | 1ary | 2ary | 1ary | 2ary | | |
| | | | | | | | (B4) Section 9(1)(k) (C1) Regulation 3(1)(e) (C3) Regulations 21–22 (D1) Section 5(e) (D3) Section 180 | |
| 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. | ✓ | ✓ | ✓ | ✓* | ✓* | (A5) Chapter 4(4.2.11(ix) and 4.2.12[v]) (A7) Chapter 3(3.2.1) (B1) Section 9(1)(d) (C2) Regulation 25 (D7) Sections 8–15 (E1) Regulations 4–8 | |
| | (b) outline conservation and management measures, including FMPs, at local and national levels. | ✓ | ✓ | ✓ | ●* | ✓* | (A5) Chapter 4(4.2.11[xiv]) (B4) Section 8 (C2) Regulations 25, 133–136 (E1) Regulations 4–8 | |
| | (c) facilitate coordination, cooperation and integration of management decisions, regulatory action, environmental policies, plans and programs. | ✓ | X | ✓ | ✓* | ●* | (A4) Chapter 7(7.2) (A5) Chapter 4(4.2.11 and 4.2.12) (A7) Chapter 3(3.3.2) (A8) Chapter 4(70) (C1) Regulation 49 (D3) Sections 15(a)(d)(f) and 31(1) | |
| | (d) monitor, assess and align the various environmental policies and plans. | ∅ | X | X | ✓* | ●* | (A5) Chapter 5(5.2) | Reference in (A5) promotes |

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 | | |
| | | | | | | | (p3) Sections 12(b)(d)(e) and 31(1) | coordination in monitoring and evaluation the implementation of the fisheries policy but does not required its alignment with other policies and plans |
| | (e) manage conflict over fisheries, relevant resource and ecosystem, including parameters for decision-making and resolving the conflict. | ∅ | ✓ | ✓ | X* | X* | (A5) Chapter 4(4.2.3[iii]) (B4) Section 8(1)(2) (C2) Regulation 135 (C3) Regulation 49 | Reference in (A5) requires the Ministry responsible for water resource to strengthen mechanisms for conflict resolution by user communities. |
| | (f) ensure integrated management of aquatic ecosystems (e.g. integrated coastal zone) based on ecosystem delimitations. | ✓ | ✓ | X | ✓* | X* | (A6) Chapter 4.4 (A8) Chapter 3(48) (B4) Section 9(1)(j) (P3) Section 59 | |
| | (g) ensure periodic reviews of managed aquatic ecosystems that assess the state of aquatic resources, levels of pollution, habitat degradation and other factors. | ∅ | X | X | X* | X* | (A5) Chapter 5(5.1 and 5.2) | References in (A5) are too general in addressing coordination, monitoring, preparing review and evaluation 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 | | |
| | | | | | | | | |
| | (h) ensure periodic reviews of integrated management plans to assess objectives and indicators and to determine any potential needs for adjustment or revision. | ∅ | X | X | X* | X* | (A5) Chapter 5(5.1 and 5.2) | References in (A5) are too general in addressing coordination, monitoring, preparing review and evaluation of instruments for the fisheries sector. |
| | (i) ensure periodic reviews of conflict management processes. | ∅ | X | X | X* | X* | (A5) Chapter 5(5.1 and 5.2) | References in (A5) are too general in addressing coordination, monitoring, preparing review and evaluation of instruments for the fisheries sector. |
| 21. | – Clearly outline powers, roles and responsibilities of all bodies, designated authorities, their relationships and processes, avoiding overlapping and conflicting mandates. | ✓ | ✓ | ✓ | ●* | ●* | (A1) Page 73 (A5) Chapter 4(4.2) (A7) Chapter 4(4.1) (B1) Sections 5 and 6 (B2) Sections 4 and 6 (B4) Sections 3,4, 8 (5) and 18 (C2) Regulation 134 | |
| 22. | – Outline mandates for the government institutions to: (a) coordinate efforts, cooperate and integrate approaches, from the local to the national levels. | ✓ | ✓ | ✓ | ✓ | ✓ | (A1) Pages 74–75 (A4) Chapter 7(7.1) | |

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 | | |
| | | | | | | | (A5) Chapters 3(3.1 and 3.12) and 4(4.2.11, 4.2.12, 4.2.17) (B2) Section 6(3) (B3) Sections 11–12 (B4) Sections 8, 9 and 18 (C1) Regulation 49 (C2) Regulations 25–27 (D3) Section 7(4) (E1) Regulation 17 | |
| | (b) coordinate, cooperate and integrate the regional and international processes and arrangements. | ✓ | ✓ | ✓ | ✓ | ● | (A1) Page 73 (A4) Chapter 6(6.6) (A5) Chapters 3(3.2, 3.5 and 3.13) and 4(4.2.15) (A7) Chapter 3(3.2.4) (B1) Section 16(1)(b)(d) (B2) Section 6(3) (B4) Section 9(1)(k) (C3) Regulations 19(d) and 26 (D1) Sections 98–100 (D3) Sections 34–35 | |
| | (c) allocate financial, human and material resources to ensure the integration of lower level authorities | ✓ | ✓ | ✓ | ✓ | ● | (A1) Pages 66–70 (A2) Page 28 (A5) Chapter 3(3.2, 3.5 and 3.13) (A7) Chapter 3(3.3.4 and 3.3.16) | |

Perceived level of alignment with the EAF legal requirement

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

| EAF components | EAF legal requirement | Fish. policy | Fisheries legislation | | Other sectors legislation | | Policy and legal basis | Comments and explanatory notes |
|---|--|--------------|-----------------------|------|---------------------------|------|---|--|
| | | | 1ary | 2ary | 1ary | 2ary | | |
| | | | | | | | (b1) Section 6(c) (b4) Section 9(1)(d) (c3) Regulations 63 and 64 (d3) Section 214(1) | |
| | Stakeholder participation, coordination, cooperation and integration | | | | | | | |
| C.4 Stakeholder participation C.5 Coordination, cooperation and integration C.6 Integration of lower level authorities, bodies and stakeholders | 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. | ✓ | ✓ | ✓ | ✓ | ✓ | (A5) Chapter 4(4.2.11) (A6) Chapter 4.1 (B1) Section 11 (B2) Section 6(3) (C2) Regulation 133 (D1) Section 20(3) and First Schedule (D3) Section 11 and First Schedule (D7) Section 4(2) and First Schedule (E1) Regulation 3 | |
| C.8 Integrated management of aquatic ecosystems | 24. – Establish and properly publicize public meetings or hearings. | ∅ | X | X | ✓ | ✓ | (A8) Chapter 4(66) (D3) Sections 90 and 178 (E2) Regulations 26–29 | Reference in (A8) highlights the cornerstones of the EIA process to be the public consultations and public hearings. |

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 | | |
| | 25. | – Allow for sufficient and reasonable time for comments on proposed management decisions or actions (e.g. in meetings and in writing). | X | X | X | ✓ | ✓ | (D3) Sections 89 and 178 (E2) Regulation 17 | |
| | 26. | – Promote international cooperation for effective integrated management of aquatic ecosystems. | ✓ | ✓ | ✓ | ✓ | • | (A5) Chapters 2(2.4.2(xiv), 3(3.15) and 4(4.2.15) (A8) Chapter 3(18[f]) and 4(82–85) (B1) Section 16(1)(d) (B4) Section 9(1)(k) (C3) Regulation 19(d) (D3) Sections 34–35 | |
| | | Fisheries management <i>Catch/output controls</i> | | | | | | | |
| C.9 Controls on fishing operations | 27. | – Establish limits on the amount of fish that may be removed from a fishery in a given period of time (e.g. TAC), restrict the number of fish that may be landed in a day (e.g. bag limit) or place limits on the amount of acceptable bycatch and/or discards from a fishery – all based on scientific data and maximum sustainable yield and the precautionary principle. | X | X | X | N/A | N/A | | |
| C.10 Fishery management plans | 28. | – Ensure authority to institute TACs and to allocate individual quotas is representative, including representatives from lower levels of government. | X | X | X* | N/A | N/A | | |
| C.17 Monitoring and review | 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 | | |

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 | | |
| | 30. | – Coordinate the TACs for shared stocks or highly migratory species with international or regional management measures. | X | X | X* | N/A | N/A | | |
| | 31. | – Monitor the catch in real-time and close a fishery when the TAC is reached. | X | X | X* | N/A | N/A | | |
| | 32. | – Attach catch controls to licences and access agreements, including authority responsible for allocating, issuing and regulating quotas, and the procedure to be followed. | X | X | X* | N/A | N/A | | |
| | 33. | – Outline the ability to institute additional catch controls (e.g. bag limits for recreational fishing), including the authority responsible for allocating, issuing and regulating quotas, and the procedure to be followed. | X | X | X* | N/A | N/A | | |
| | | <i>Effort/input controls</i> | | | | | | | |
| C.9 Controls on fishing operations C.10 Fishery management plans C.17 Monitoring and review | 34. | – Define a broad fishing licence scheme to regulate access to fisheries and fishing vessels with timeline, authority and process for renewing the licence, monitoring and compliance, and permit suspension and revocation of the licence for non-compliance. | X | ✓ | ✓* | N/A | N/A | (b1) Sections 35, 36 (b3) Sections 14–18 (b4) Sections 20 and 22 (c1) Regulations 20–40 (c2) Regulations 11–13, 16–18 and 21 | |
| | 35. | – Designate authority responsible for allocating, issuing and regulating licences, specified licence duration, requirement of a fee and conditions that may be attached to licences. | ∅ | ✓ | ✓* | N/A | N/A | (A5) Chapter 4(4.2.1 (vii) and 4.2.11[ii]) (A7) Chapter 4(4.1.1) (b1) Sections 16(1)(h), 35 and 36 (b4) Sections 20 and 22 (c2) Regulations 11–13, 16–18 | Reference in (A5) and (A7) do not address fees and conditions that may be attached to the fishing licences. |

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 | | |
| | 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 licence scheme (e.g. number of licences to be allocated, permit conditions for each fishery). | X* | X* | ∅ | N/A | N/A | (c2) Regulations 11–13 | Provisions in (c2) contain few conditions for issuing the fishing licence, but does not outline the details of the fishing licence scheme. |
| | 38. | – Empower the designated authority to establish additional regulations for licensing. | X* | ✓ | ✓* | N/A | N/A | (b4) Section 57(1) (b3) Section 7(a) (c2) Regulation 19 | |
| | 39. | – Empower authority to regulate effort controls and respective parameters. | X* | ✓ | X* | N/A | N/A | (b1) Section 26 (b4) Section 57(1) | |
| | | Fishing gear and method controls | | | | | | | |
| C.9 Controls on fishing operations C.10 Fishery management plans C.17 Monitoring and review | 40. | – Establish requirements on fishing gear and methods that are permitted for use within a given fishery or area, including related technical specifications (e.g. general prohibitions on types of gear, methods, specifications on gear design, minimum mesh sizes). | X | ✓ | ✓ | N/A | N/A | (b1) Sections 27–28 (b3) Section 21 (c1) Regulations 12–18 (c2) Regulations 49 and 66 (c8) Entire regulation | |
| | 41. | – Outline prohibitions on highly destructive gear and fishing methods (e.g. fishing by toxic substance, explosives, electricity, fishing with the use of light). | ✓ | ✓ | ✓* | N/A | N/A | (A4) Page 133 (A5) Chapter 3(3.2) (A8) Chapter 3(60(b)(c) (b1) Section 34(1) (b3) Section 20 | Provisions in (b1) prohibits the introduction of toxic, hazardous substances in the EEZ. |

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 | | |
| | | | | | | | | (b4) Section 17 (f) (c1) Regulations 14–17 (c2) Regulations 47, 48 and 66 (c6) Entire regulation | Provision in (b4) grants the Minister with the power to by notice in the Gazette adopt management and control, measures on prohibited fishing gear. |
| | 42. | – Outline requirements aimed at reducing negative impacts of fishing methods and gear (e.g. prohibition of trawling in areas with sensitive seabed habitat, require use of biodegradable nets, restrict the use of FADs or require use of bycatch reduction devices). | ✓ | ✓ | ✓ | N/A | N/A | (A8) Chapter 3(60[g]) (B3) Sections 21–23 (c1) Regulations 13–17 (c2) Regulation 66 | |
| | | <i>Spatial and temporal controls</i> | | | | | | | |
| 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 | (A2) Pages 9 and 23 (b1) Section 33 (c2) Regulations 20, 58 and 61 | Reference in (A2) broadly provides for the support of sustainable artisanal fisheries and provision in (b1) empowers the Minister to declare areas for the conservation, management or protection of fishery resources. |
| | 44. | – Empower authority to define spatial and temporal controls and the procedure. | X | ✓ | ✓* | N/A | N/A | (b1) Section 33 | |

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 | | |
| | | | | | | | | (b3) Sections 9(1(a)(b)(d)€ and 10) (c2) Regulation 20 | |
| | 45. | – Ensure stakeholder and institutional consultation, both at national and lower levels, in the process of defining spatial and temporal controls. | X | ∅ | ✓* | N/A | N/A | (b1) Section 33 (c2) Regulation 20 | Provision in (b1) does not allow for stakeholder consultation at lower level. However, in practice, according to the Ministry of Livestock and Fisheries, stakeholders are thoroughly consulted in spatial and temporal controls, particularly on prawns fishing |
| | 46. | – Establish technical details and specifics on spatial controls. | X* | X* | ✓ | N/A | N/A | (c2) Regulations 58 and 61 (c4) Entire regulation (c7) Entire regulation | |
| | | Fishery management plans | | | | | | | |
| C.9 Controls on fishing operations C.10 | 47. | – Designate authority with power and responsibility to develop, approve, adopt and publicize a FMP, clearly outlining the roles and responsibilities. | X | ✓ | X* | N/A | N/A | (b1) Section 24(1)–(4) (b3) Section 8(1) | According to the Ministry of Livestock and Fisheries, FMPs are only required to be endorsed and signed by the |

Perceived level of alignment with the EAF legal requirement

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

| EAF components | EAF legal requirement | | Fish. policy | Fisheries legislation | | Other sectors legislation | | Policy and legal basis | Comments and explanatory notes |
|---|-----------------------|--|--------------|-----------------------|------|---------------------------|------|--|---|
| | | | | 1ary | 2ary | 1ary | 2ary | | |
| Fishery management plans C.17 Monitoring and review | | | | | | | | | Minister, as they are developed after agreement between stakeholders and the Ministry on various issues. |
| | 48. | – Ensure FMPs and measures comply with established integrated management plans for aquatic ecosystems involving e.g. protected areas or critical habitat. | X | X | ∅ | ●* | ●* | (c2) Regulation 54 | Provision in (c2) empowers the Minister to declare critical habitats in the official gazette but does not provide for FMPs. |
| | 49. | – Establish process for approval, adoption and publication of FMP with its periodic review. | X | ✓ | X* | N/A | N/A | (b1) Section 24(1)–(4) (5)(e) and (6) (b3) Section 8(1) | |
| | 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 | (A6) Chapter 4.4 (b1) Section 24(1)–(4)(6) | Reference in(A6) broadly provides for the promotion of FMP processes for selected priority fisheries and provision in(b1) do not specify which stakeholders are involved in the preparation of FMP nor address review of the FMP. |
| | 51. | – List the minimum requirements in the FMPs: | X | ∅ | X* | N/A | N/A | (b1) Section 24(5)(b) | Provisions in (b1) do not specify the |

Perceived level of alignment with the EAF legal requirement

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

| EAF components | EAF legal requirement | Fish. policy | Fisheries legislation | | Other sectors legislation | | Policy and legal basis | Comments and explanatory notes |
|---|--|--------------|-----------------------|------|---------------------------|------|---|--|
| | | | 1ary | 2ary | 1ary | 2ary | | |
| | (a) management objectives that take into account EAF; | | | | | | | consideration of an EAF |
| | (b) biological description of fishery and ecosystem in which it takes place; | X | ✓ | X* | N/A | N/A | (b1) Section 24(5)(a) (b3) Section 8(2) | |
| | (c) social, economic and institutional aspects of the fishery; | X | X | X* | N/A | N/A | | |
| | (d) species composition and levels of bycatch, both retained and discarded; | X | ∅ | X* | N/A | N/A | (b1) Section 24(5)(a) | Provision in (b1) does not specify levels of bycatch. |
| | (e) ecological relationships between harvested, dependent and associated species; | X | X | X* | N/A | N/A | | |
| | (f) impact of other anthropogenic activities on the ecosystem; and | X | ∅ | X* | N/A | N/A | (b1) Section 24(5)(a) | Provision in (b1) is limited to the adverse effects of fishing but not other activities. |
| | (g) a review of the relationship with other coastal or marine resource management plans. | X | X | X* | N/A | N/A | | |
| | Conservation measures | | | | | | | |
| C.14 Habitat and biodiversity conservation and restoration | 52. – Incorporate the consideration of habitat and biodiversity in the processes for establishing management measures (e.g. outline habitats and species related to the fishery and take measures to limit the negative impacts of fishing on them) or gear regulations. | ✓ | ✓ | ✓* | ✓* | ● | (A1) Page 60 (A5) Chapter 3 (3.2) (B3) Section 8(2) (B4) Section 9(2)(d) (C1) Regulations 4–19 (C2) Regulations 24 and 27 (C3) Regulation 20 (D3) Sections 66–67 | |

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 | | |
| 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 | ✓* | ●* | ● | (A4) Page 77 (c1) Regulations 4–11 (c2) Regulation 67 and Third Schedule | |
| 54. | – Ensure coordination between the various authorities involved in marine environment protection. | | ✓ | ✓ | ✓* | ●* | ● | (A1) Page 60 (A5) Chapter 5(5.1) (B3) Section 19(2) (B4) Section 16(1)(b) (c1) Regulation 49 | Provision in (B4) empowers the Director-General to coordinate on the preparation of policy, plans and strategies on fisheries conservation, development and sustainable use but only with regard to transboundary ecosystems. |
| 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. | | ∅ | ✓ | ✓* | ✓* | ● | (A4) Page 79 (B1) Section 32 (B4) Section 23 (c2) Regulation 67 (D2) Section 94 | Reference in (A4) highlights the importance of developing and implementing species monitoring, conservation and recovery program for endangered and threatened species. |
| | (b) protected areas, ensuring the outline of the type of protected areas, description of their levels of protection (e.g. marine reserve, parks, sanctuaries or MPAs), the process for nominating, establishing and managing a | | ✓ | X | ∅* | ✓* | ● | (A5) Chapter 4(4.2.1) (A7) Chapter 3(3.3.3) (c8) Entire regulation | (c8) has no provisions on process for establishment 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 | | |
| | protected area, including stakeholder participation particularly of local communities, consultation and coordination with various authorities, both at national and local levels. | | | | | | (D2) Sections 14–31 (D3) Sections 47–54, 56 (D7) Sections 8–15 | marine reserves, consultation, coordination. |
| | (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. | ∅ | ✓ | ✓* | ✓* | ● | (A3) Chapter 4(4.2.6) (A4) Chapter 1(1.4.2) (B4) Section 30 (C2) Regulation 141(1) (D3) Sections 151–155 | References in (A3) and (A4) do not provide for the related process of decision-making. Provision in (B4) is about the fisheries development fund, whose objects include broadly fisheries and biodiversity conservation and protection and the purpose of the fund does not include restoration. |
| 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. | ✓ | ✓ | ✓* | ✓* | ● | (A1) Page 60 (A4) Page 82 (A5) Chapters 3(3.9) (B4) Section 30(a) (C2) Regulation 141(1) (D2) Section 98 (D3) Sections 172–177, 151–155 | Reference in (A4) sets the target of increasing the funding for biodiversity conservation by 2020. Reference in (A5) is too broad in promoting human resource |

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 | | |
| | | | | | | | | development in fisheries. |
| 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. | ✓ | ✓ | ✓ | ✓ | ● | (A1) Page 61 (A4) Pages 77–78 (A8) Chapter 3(51–53) (B1) Section 34 (B4) Section 9(2)(g) (C1) Regulations 14–17 (C2) Regulation 51 (D3) Sections 57, 106–110, 171 | |
| | (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* | ✓ | ● | (A7) Chapter 3(52) (D3) Section 64 | |
| | (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 | ✓ | ✓ | ● | ● | (B1) Section 27 (C2) Regulation 65 | |
| | 58. – Require authorization prior to the planned introduction of any species, including species meant for aquaculture or fish stocking, taking into account the precautionary approach, and establish measures to prevent the escape of exotic species into the wild. | ∅ | ✓ | ✓ | ✓ | ✓ | (A4) Page 78 (A7) Chapter 3(3.3.3) (A8) Chapter 3(60[e]) (B4) Section 13 (C2) Regulations 52–53 (D3) Section 55(2)(c) (E1) Regulation 47 | Reference in (A4) provides a preventive approach for the introduction of invasive species including the review of policies and legislation addressing invasive species. |

Perceived level of alignment with the EAF legal requirement

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

| EAF components | EAF legal requirement | | Fish. policy | Fisheries legislation | | Other sectors legislation | | Policy and legal basis | Comments and explanatory notes |
|--------------------|-----------------------|---|--------------|-----------------------|------|---------------------------|------|---|---|
| | | | | 1ary | 2ary | 1ary | 2ary | | |
| | | | | | | | | | Reference in (A7) fosters the regulation of re-introduction of certain species. Reference in (A8) requires the control on introduction of non-indigenous species |
| 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 | ✓ | ● | (A8) Chapter 3(51–53) (D3) Section 55 | |
| | 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). | ✓ | ✓ | ✓ | ✓ | ✓ | (A3) Chapter 4(4.2.6) and Appendix F (A4) Page 134 (A8) Chapter 3(58) and 4(63)–(67) (B4) Section 52 (C2) Regulations 13(18), 33(a), 77(4)(c) (D2) Section 35 (D3) Section 81 and Third Schedule (E2) Regulation 4 | |
| | 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 | X | X* | X* | ✓ | ✓ | (D3) Sections 85(1) and 87(4) (E2) Regulations 12, 13, 18 | |

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 | | |
| | potential alternatives or mitigation and rehabilitation measures. | | | | | | | | |
| | 62. | – Establish process for submission, review and decision-making on the EIS or EIA, with designation of authority responsible for receiving, reviewing and deciding upon the EIS or EIA (e.g. the minister responsible for environment), opportunity for public participation (e.g. comment periods and hearings), consultation with other relevant government institutions or localities, and determination of adequate mitigation measures. | ∅ | X* | X* | ✓ | ✓ | (A8) Chapter 4(66) (D3) Sections 17(1), 81–97 (E2) Entire regulation | Reference in (A8) highlights the cornerstones of the EIA process to be the public consultations and public hearings. |
| | Fishery monitoring and research | | | | | | | | |
| C.13 EAF research | 63. | – Establish research programme for furthering the knowledge and understanding of EAF. | ✓ | ✓ | ✓* | ∅ | ●* | (A1) Pages 63–66 (A4) Page 108 (A5) Chapters 1(1.3.4) and 3(3.4) (A7) Chapter 3(3.3.13) (B1) Section 22 (B2) Section 15(1) (B3) Sections 5 (f) and 18 (C2) Regulation 27 (D3) Section 177 | Provision in (B1) and (B3) do not specify EAF and in (D3) cover broadly the environment. |
| | 64. | – Designate authority for conducting and involving stakeholders in the research programme. | ✓ | ✓ | ✓* | ✓ | ●* | (A4) Page 108 (A5) Chapters 1(1.3.4) and 3(3.4) (B1) Section 6(d) (B2) Section 6 (B3) Section 5(f) (B4) Sections 53 and 54 | |

Perceived level of alignment with the EAF legal requirement

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

| EAF components | EAF legal requirement | Fish. policy | Fisheries legislation | | Other sectors legislation | | Policy and legal basis | Comments and explanatory notes |
|----------------|--|--------------|-----------------------|------|---------------------------|------|--|---|
| | | | 1ary | 2ary | 1ary | 2ary | | |
| | | | | | | | (c2) Regulation 27 (p2) Sections 96–97 (p3) Section 177 | |
| | 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. | ✓ | ✓ | ✓* | ● | ●* | (A5) Chapters 1(1.3.4) and 3(3.4) (A7) Chapter 3(3.3.13) (B1) Section 22 (B2) Section 15(1) (C2) Regulation 27 | Reference in (A5) does not detail the objectives of the research programme, but it is complemented by (A7). |
| | 66. – Consider the findings of the EAF research in the adoption of conservation and management measures. | ✓ | ✓ | ✓* | ● | ●* | (A5) Chapters 1(1.3.4) and 3(3.4) (B2) Section 6(1)(f) (B3) Section 8(2) (C3) Regulation 20 | |
| | 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 61(2) (C1) Regulations 56–59 (C3) Regulation 34 | Provision in (B1) does not outline the details of the observer scheme. |
| | 68. – Ensure observers have full access to all parts of the vessel and its equipment and to any place in the country where fish that have been caught in national waters are uploaded, processed, stored or transhipped. | X | X | ✓ | N/A | N/A | (C1) Regulations 58–60 (C3) Regulations 34 and 69 | |

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 | | |
| 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 55 (c1) Regulations 66–68 (c2) Regulation 69 (c3) Regulation 28 | Provisions in (b1) does not detail the category of vessels subject to VMS nor where it is required which is to be prescribed by the director of fisheries |
| 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 | (b4) Section 57(2)(jj) (c1) Regulations 36, 43, 78–80 (c2) Regulation 71 | Provisions in (b4) are limited to empowering the Minister to make regulations providing for data collection and reporting. |
| 72. | – Ensure the establishment and maintenance of a record of fishing vessels licensed to fish in waters under national jurisdiction and nationally flagged vessels authorised to fish in ABNJ with the designation of the authority responsible for its maintenance and information to be recorded for each category of vessel. | | X | ∅ | ✓ | N/A | N/A | (b1) Section 51 (b4) Sections 5(3) and 17(b) (c1) Regulation 82 (c2) Regulation 3 | Provisions in (b1) does not specify the information to be recorded in the information system/register which are to be prescribed by regulation and in (b4) does not |

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 | | |
| | | | | | | | | specify the information to be recorded. |
| 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 | (c2) Regulation 4 and First Schedule | |
| 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 | ✓ | ✓ | N/A | (c2) Regulations 7–10 (p5) Part IV | |
| 75. | – Detail the specifications for marking vessels and fishing gear in accordance with internationally approved standards. | X | ∅ | ✓ | ✓ | N/A | (b1) Sections 25 and 101 k) (b3) Section 34(w) (b4) Section 57 (2)(gg) (c1) Regulation 12 (c2) Regulation 7 (c4) Regulation 23 and Schedule 3 (p5) Section 43 | Provisions in (b1) provide for the marking of fishing gear but the marking of fishing vessels is subject to regulations, provision (B3) and (b4) are limited to empowering the Minister to make regulations on marking of fishing gears and provision |

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 | | |
| | | | | | | | | in (C2) is limited to marking of fishing vessel. |
| 76. | – Ensure cooperation and coordination between fisheries and maritime authorities throughout the registration process. | X | ✓ | X | N/A | N/A | (B1) Section 40 | |
| 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) Section 61(2), 64 and 66 (B3) Section 23 (B4) Sections 31–37 (C1) Regulations 50–55 (C2) Regulations 72, 145 and 146 (C3) Regulation 33 | |
| 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. | ∅ | ∅ | ✓ | N/A | N/A | (A3) Page 167 (B1) Section 39 (B4) Section 17(i) (C1) Regulation 38 (C2) Regulations 56(5)–(7), 84–86, 103 (C3) Regulation 24 | Reference in (A3) is limited to construction of fishing landing ports for deep sea fishing. Provision in (B1) is limited to transshipment at sea in (B4) grants the Minister with the power to by notice in the Gazette adopt management and control, measures on limiting the amount, size, age and other |

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 | | |
| | | | | | | | | | characteristics and monitoring species composition of fish that may be landed or traded |
| | 79. | – Provide additional VMS specifications and specific details on the registration process. | X* | X | ✓ | N/A | N/A | (c1) Regulations 66–69 (c2) Regulation 69 (c3) Regulation 27 (4)–(6) | |
| | | 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 | ✓ | ✓ | ✓ | ● | (b1) Sections 88–93, various others and Second Schedule (b3) Sections 28–32 (b4) Sections 41–48 (c2) Various regulations and Regulation 55 (c2) Regulations 128–131 (c3) Regulation 65–71 (d3) Sections 184–191 | |
| | 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 | ✓ | ✓ | ✓ | ● | (b1) Sections 94–95 (b3) Section 35 (b4) Section 40 (C1) Sections 88–94 (c2) Regulation 50 (d3) Sections 193–199 | |

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 | | |
| 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 | ✓ | ● | (b1) Sections 75–77 (b4) Sections 38–39 (p3) Sections 204–211 | |

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 the United Republic of Tanzania. Based on this preliminary assessment, policymakers, legal practitioners and fisheries managers can take the necessary steps for improving the EAF implementation in their country. These steps could involve the amendment of existing legislation and/or enactment of new legislation and development of new policies to bring fully in line with an EAF.

For more information:

The EAF-Nansen Programme

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

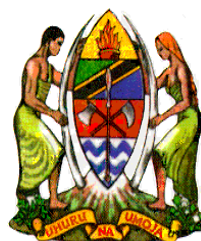
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