

## Analysis of Living Aquatic Resources Law and other legislation in relation to MarinTrust whole fish standard

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### Omani fisheries legislation

So far, the FIP has obtained translated versions of the following legislation:

- Living Aquatic Resources Law – Royal Decree 20/2019 (LAR Act)
- Royal Decree 92/2020 amending the name of the Ministry of Agriculture and Fisheries to the Ministry of Agriculture, Fisheries and Water Resources, determining its competences and adopting its organisational structure
- Ministerial Decision 2016/183 Regulation on the use of purse seine nets

Below, we evaluate how this legislation addresses certain clauses in the MarinTrust whole fish standard. This is not a full analysis of the fishery relative to the whole fish standard – just a way of understanding how the legislation received so far by the FIP enhances our understanding of the fishery management system.

The major issues that the FIP needs to address, according to the information we have at present, are highlighted in red.

**Note: The versions of legislation used here are non-official translations of the Arabic into English – the details of wording is not guaranteed to be precise.**

### MarinTrust whole fish standard – Management Framework; elements relevant to legislation

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| M1.1 There is an organisation responsible for managing the fishery                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                 |
| M1.1.1                                                                                                                                                                                                                                                                                                                | The management and administration organisations within the fishery are clearly identified                                                                                                                       |
| M1.1.2                                                                                                                                                                                                                                                                                                                | The functions and responsibilities of the management organisations include the overall regulation, administration, science and data collection and enforcement roles, and are documented and publicly available |
| M1.1.3                                                                                                                                                                                                                                                                                                                | Fishers have access to information and/or training materials through nationally-recognised organisations                                                                                                        |
| M1.1.1 and M1.1.2: See Royal Decree 92/2020<br>M1.1.3: LAR Act Article 19: <i>The Ministry shall work to encourage and develop artisanal fishing, train and guide artisanal fishermen, and create job opportunities for Omani cadres in the fishing profession and activities related to living aquatic resources</i> |                                                                                                                                                                                                                 |

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| M1.2 Fishery management organisations are legally empowered to take management actions                                                                                                      |                                                                                                                                                                  |
| M1.2.1                                                                                                                                                                                      | There are legal instruments in place to give authority to the management organisation(s) which can include policies, regulations, acts or other legal mechanisms |
| M1.2.2                                                                                                                                                                                      | Vessels wishing to participate in the fishery must be authorised by the management organisation(s)                                                               |
| M1.2.3                                                                                                                                                                                      | The management system has a mechanism in place for the resolution of legal disputes                                                                              |
| M1.2.4                                                                                                                                                                                      | There is evidence of the legal rights of people dependent on fishing for food or livelihood                                                                      |
| M1.2.1: The MAFWR is empowered by Royal Decree 92/2020. Article 2 of LAR Act: <i>The Ministry shall manage their [living aquatic resources] exploitation, assessment and supervision in</i> |                                                                                                                                                                  |

*accordance with the provisions of this law and the Regulations. No activity relating to living aquatic resources may be authorised or licensed except after coordination with the Ministry and in accordance with what is specified in the Regulations.*

M1.2.2: Article 7 of the LAR Act: *The Ministry shall maintain a special register in which artisanal, coastal and commercial fishing boats licensed to fish are recorded, along with the name of each owner, the fishing area where fishing is permitted, fishing equipment, tools and methods, the number of fishermen or workers authorised to work on board the boat or vessel, the date and country of manufacture, technical specifications such as length, tonnage and engine power; and any other data specified by the Ministry.*

M1.2.3: LAR Act Article 61: *... the Minister or his delegate may refrain from proceeding with the public lawsuit procedures for violations stipulated in this law or the Regulations and settle them at any stage of the public lawsuit and before a final judgement is issued therein. ...*

M1.2.4: LAR Act Article 19: *The Ministry shall work to encourage and develop artisanal fishing, train and guide artisanal fishermen, and create job opportunities for Omani cadres in the fishing profession and activities related to living aquatic resources.*

M1.3 There is an organisation responsible for collecting data and (scientifically) assessing the fishery

M1.3.1 The organisation(s) responsible for collecting data and assessing the fishery is/are clearly identified

M1.3.2 The management system receives scientific advice regarding stock, non-target species and ecosystem status

M1.3.3 Scientific advice is independent from the management organisation(s) and transparent in its formulation through a clearly defined process

M1.3.1, M1.3.2: Royal Decree 92/2020 places responsibility for fisheries research with the MAFWR. There is also LAR Act Article 4: *The Ministry encourages scientific bodies, centres and researchers to conduct research relating to living aquatic resources, and to conduct it in fishing waters ...*

M1.3.3: See above – responsibility for scientific advice is on the management organisation itself, and it is not publicly available.

M1.4 The fishery management system is based on the principles of sustainable fishing and a precautionary approach

M1.4.1 In reaching a determination for M1.4, the assessor should consider if the following is in place: A policy or long-term management objective for sustainable harvesting based on the best scientific evidence and a precautionary approach is publicly available and implemented for the fishery

The LAR Act does not include any specific management objectives.

M1.5 There is a clearly defined decision-making process which is transparent, with processes and results made publicly available

M1.5.1 There is participatory engagement through which fishery stakeholders and other stakeholders can access, provide information, consult with, and respond to, the management systems' decision-making process

M1.5.2 The decision-making process is transparent, with results made publicly available

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| M1.5.3  | The fishery management system is subject to periodic internal or external review to validate the decision-making process, outcomes and scientific data |
| M1.5.1: | No legal stipulations according to the information we have so far                                                                                      |
| M1.5.2: | Scientific advice is not publicly available, nor are meeting minutes                                                                                   |
| M1.5.3: | No legal stipulations according to the information we have so far                                                                                      |

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| M2.1           | There is an organisation responsible for monitoring compliance with fishery laws and regulations                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| M2.1.1         | There is an organisation responsible for monitoring compliance with specific monitoring, control and surveillance (MCS) mechanisms in place                                                                                                                                                                                                                                                                                                                                                                                                 |
| M2.1.2         | There are relevant tools or mechanisms used to minimise IUU fishing activity                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| M2.1.1, 2.1.2: | RD 92/2020 gives responsibility to the Ministry as the 'supervisory authority'. LAR Act Article 48: <i>The Supervisory Authority shall have the following powers with respect to violations within its jurisdiction relating to the provisions of this law or the Regulations:</i> [in summary monitoring and control of fishing vessels, and facilities for transport, stockage and sale of LAR, and licences and documentation; issue violation reports; seize and destroy or sell vessels, facilities, equipment, fishing gear and LARs] |

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| M2.2    | There is a framework of sanctions which are applied when infringements against laws and regulations are discovered                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| M2.2.1  | The laws and regulations provide for penalties or sanctions that are adequate in severity to act as an effective deterrent                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| M2.2.1: | LAR Act Articles 50-60 set out the penalties for a range of offences, plus attempting to commit the offences. These include fines, prison and confiscation, depending on the Article of the law which has been violated, and gives the Ministry discretion (a range of options) as to the penalty imposed. As an example: Article 51: violation of Articles 9, 15, 16, 20 or 22* results in a prison term of 10 days – 1 month, and/or a fine of 200-1000 rials, to increase up to double for a repeat violation.<br><br>* fishing without a licence, or an expired licence, or using a fishing boat for unlicensed activities, or failing to carry the licence or display a registration number |

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| A3.                                                                                                            | Harvest strategy                                                                                                                                                                                                                                                                                  |
| A3.1                                                                                                           | There is a mechanism in place by which total fishing mortality of this species is restricted                                                                                                                                                                                                      |
| A3.2                                                                                                           | Total fishery removals of this species do not regularly exceed the level indicated or stated in the stock assessment. Where a specific quantity of removals is recommended, the actual removals may exceed this by up to 10% ONLY if the stock status is above the limit reference point or proxy |
| A3.3                                                                                                           | Commercial fishery removals are prohibited when the stock has been estimated to be below the limit reference point or proxy (small quotas for research or non-target catch of the species in other fisheries are permissible).                                                                    |
| No such requirements in the legislation we have received so far; no reference points agreed as far as we know. |                                                                                                                                                                                                                                                                                                   |