



**NOO  
RAAJJE**

**LEGAL & POLICY FRAMEWORK ASSESSMENT  
REPORT**

27 July 2021



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## Overview

This assessment describes how existing legal authorities contribute to ocean management in the Republic of the Maldives (the Maldives), outlining the legal foundation for developing an enforceable, comprehensive, and sustainably financed marine spatial plan and blue economy strategy. This is a public document, and its contents will be used to inform a broader conversation to identify what legal reforms may be necessary to support the objectives of the *Noo Raajje* Program.

## Acknowledgments

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The contents of this report, including any errors or omissions, are solely the responsibility of the authors. The authors invite corrections and additions. This document is an educational resource, and nothing contained herein is intended to serve as legal advice.

## About *Noo Raajje*

This report supports the *Noo Raajje* (“Blue Maldives”) Program.<sup>1</sup> *Noo Raajje* is a five-year partnership between the Government of the Maldives and the Blue Prosperity Coalition.<sup>2</sup> The *Noo Raajje* initiative aims to:

- safeguard ocean resources and restore coral ecosystem health,
- sustainably grow ocean industries,
- strengthen the Maldives’ position in managing shared Indian Ocean tuna stocks, and
- protect at least twenty percent of Maldivian waters.

The plan of work for *Noo Raajje* results from a 2019 Memorandum of Understanding entered into between the Government of the Maldives and the Blue Prosperity Coalition. The parties share the goals of developing and implementing a Blue Prosperity Program for all of the Maldives’ waters, including the territorial sea and the exclusive economic zone, that achieves a long-term sustainable and thriving marine environment, benefiting all Maldivians; and advancing Maldivian ocean science and stewardship through research, education, and outreach, including collaborating with and providing support to local scientists and civil society.

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1 See <https://www.nooraaajje.org>.

2 See <https://www.blueprosperity.org>.

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## Abbreviations

BIOT	British Indian Ocean Territory
BPC	Blue Prosperity Coalition
CBD	Convention on Biological Diversity
CITES	Convention on International Trade in Endangered Species
CLCS	Commission on the Limits of the Continental Shelf
DS	Decision Statement
EEZ	Exclusive Economic Zone
EIA	Environmental Impact Assessment
FMP	Fishery Management Plan
GOM	Government of the Maldives
IMO	International Maritime Organization
ITLOS	International Tribunal for the Law of the Sea
IUU	Illegal, Unreported, and Unregulated
LGA	Local Government Authority
MCCPF	Maldives Climate Change Policy Framework
MCS	Maldives Customs Service
MECCT	Ministry of Environment, Climate Change, and Technology
MIFCO	Maldives Industrial Fisheries Company Ltd.
MMRI	Maldives Marine Research Institute (formerly Marine Research Centre)
MNDF	Maldives National Defence Force
MNPHI	Ministry of National Planning, Housing, and Infrastructure
MoFMRA	Ministry of Fisheries, Marine Resources, and Agriculture
MPA	Marine Protected Area
MPS	Maldives Police Service
MTA	Maldives Transport Authority
nm	Nautical Mile
NRRP	National Resilience and Recovery Plan 2020-2022
PO	President's Office
SAP	Strategic Action Plan 2019-2023
SEZ	Special Economic Zone
UNCLOS	United Nations Convention on the Law of the Sea
URA	Utility Regulatory Authority

# EXECUTIVE SUMMARY

The Maldives has embarked on a bold new program to safeguard its ocean resources and restore coral ecosystem health, sustainably grow its ocean industries by building a blue economy, strengthen its fisheries sector, and protect at least twenty percent of Maldivian waters. As part of these efforts, the Government, working collaboratively through the *Noo Raajje* Program partnership, has committed to examining how its existing policies, legal authorities, and institutions contribute to sustainable ocean management—and how the law can be strengthened to help the Maldives achieve its ambitious goals.

As a first step, this assessment report discusses the existing legal foundations for ocean management in the Maldives. The report characterizes the Maldives with respect to its system of government and its legal system; its regional and international engagement; its ocean jurisdiction; its cross-cutting legal frameworks; and its sectoral regulation of activities in the marine environment.

The Maldives begins from a strong legal and institutional position. The Maldives is a sovereign, independent, democratic republic based on the principles of Islam. It is a unitary state with a multi-party political system, and its modern legal and institutional regime is grounded in the Constitution of 2008. The Maldives has in recent years embraced a decentralised approach to governance. The Maldives is highly engaged at the regional and international levels, as a member of the United Nations, the Commonwealth of Nations, and the International Maritime Organization; the Maldives is also party to many key maritime, fisheries, and environmental treaties that are essential to effective ocean management. An archipelagic nation, the Maldives has clear and well-defined maritime zones.

Marine spatial planning and the development of a blue economy are inherently complex and cross-sectoral activities. Various of the Maldives “cross-cutting” legal frameworks and issues of focus are relevant to the further development of sustainable ocean management law in the Republic. These frameworks and issues include:

- Land Use and Planning;
- Environmental Impact Assessment;
- Tourism and Tourist Resorts;
- Public Consultation;
- Public Finance & Enabling Environment for Blue Economy Planning; and
- Climate Change.

The tourism sector is uniquely important in the Maldives, and its tourism law reflects this. And the Maldives, which faces an existential threat from climate change, has become a global leader in the climate arena. New climate legislation was enacted as recently as this year.

Also important is the state of the Maldives’ law, much of it actively evolving, in key sectoral areas:

- Conservation (including Protected Areas and Protected Species);
- Fisheries & Aquaculture;
- Recreation;
- Cultural Heritage;
- Maritime & Shipping;
- Offshore Industry;
- Utilities;
- Pollution, Dumping, & Accidents; and
- Scientific Research and Education.

Key laws addressed in this report are identified in [Table 1](#) by subject matter area.

**Table 1. Selected Legal Authorities for Maldives Ocean Management and Blue Economy.**

Subject	Key Law(s)
Governance	Constitution of the Maldives
	Act No. 7/2010 (Decentralization of the Administration Divisions of the Maldives Act)
Ocean Jurisdiction	Act No. 6/1996 (Maritime Zones of Maldives Act)
Environment, Conservation, & Protected Areas	Act No. 4/1993 (Environment Protection and Preservation Act of Maldives)
Fisheries & Aquaculture	Act No. 14/2019 (Fisheries Act of the Maldives)
Land Use & Planning; Tourism	Act No. 1/2002 (Land Act of Maldives)
	Act No. 20/1998 (Maldives Uninhabited Islands Act)
	Act No. 2/1999 (Maldives Tourism Act)
Maritime & Shipping	Act No. 69/1978 (Maritime Navigation Act)
Cultural Heritage	Act No. 12/2019 (Maldives National Heritage Act)
Public Finance	Act No. 3/2006 (Public Finance Act)

As explained throughout this report, a wide range of Maldivian ministries, affiliated agencies, and other governmental and quasi-governmental actors are responsible for administering, implementing, and enforcing the relevant laws and regulations.

The Maldives finds itself at an opportune moment for strengthening and even re-imagining its approach to a sustainable ocean and to growing its blue economy. In recent years, the Republic has engaged in extensive strategic planning, planning that has in turn led to the adoption of many new laws and the issuance of many new regulations; many more, as discussed in this report, are pending, in development, or contemplated. At the same time, the Maldives, like most of the world, has been compelled by the COVID-19 global pandemic to rethink its priorities and reconsider its approach—a process that is very much ongoing.

This is an era of rapid policy development, legal innovation, and modernisation in the Maldives, and recent developments suggest that the global pandemic may slow but will not halt these trends. With recent fisheries legislation and new environmental regulation forming just part of the quickly evolving legal framework pertinent to ocean governance, as documented in this report, the Maldives has put into place the legal and institutional foundations for a sustainable future for its oceans and for a robust blue economy.

# 1 INTRODUCTION

## 1.1 Purpose of Report

This report surveys the laws, policies, and governmental institutions of the Republic of the Maldives that are relevant to ensuring the sustainable management of Maldivian marine waters, the protection of its marine resources and ecosystems, and the development of the Maldives' "blue economy." The report supports the legal component of the *Noo Raajje* Program (discussed in Section 1.2, below) and is intended to provide the government, stakeholders, and citizens with an understanding of the legal foundations in the Maldives for:

- developing an enforceable, comprehensive, and sustainably financed marine spatial plan;
- successfully implementing a blue economy plan; and
- promoting sustainable fisheries.

This report will inform discussions of further policy and legal development in the Maldives in support of a legally binding marine spatial plan and full protection for at least twenty percent of the Maldives' marine waters. The next steps will build on the existing legal system, account realistically for anticipated technical capacity and funding levels, and provide effective incentives and requirements to ensure compliance and long-term sustainability of ocean resources.

This report contains information obtained principally from desk research, including a literature review of existing laws, regulations, policies, plans, and reports. The authors conducted targeted interviews with various government personnel in key ministries in an effort to ensure the completeness and accuracy of the research.<sup>3</sup> Additionally, a draft of the report was shared with government personnel for review and comment.<sup>4</sup>

## 1.2 Overview of *Noo Raajje*

This report supports the *Noo Raajje* ("Blue Maldives") Program.<sup>5</sup> *Noo Raajje* is a five-year partnership between the Government of the Maldives (GOM) and the Blue Prosperity Coalition (BPC).<sup>6</sup> *Noo Raajje* aims to:

- safeguard ocean resources and restore coral ecosystem health,
- sustainably grow ocean industries,
- strengthen the Maldives' position in managing shared Indian Ocean tuna stocks, and
- protect at least twenty percent of Maldivian waters.

The plan of work for *Noo Raajje* results from a Memorandum of Understanding (MoU) entered into between the GOM and the BPC in 2019. The parties share the goals of developing and implementing a Blue Prosperity Program for all of the Maldives' waters, including the territorial sea and the exclusive economic zone (EEZ), that achieves a long-term sustainable and thriving marine environment, benefiting all Maldivians; and advancing Maldivian ocean science and stewardship through research, education, and outreach, including collaborating with and providing support to local scientists and civil society.

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3 From late 2020 to early 2021, the authors met via video-conference (due to the COVID-19 pandemic) with policy, legal, and other representatives of the following ministries and entities: the Ministry of Tourism; the Ministry of Environment, Climate Change, and Technology; the Environmental Protection Agency; the Ministry of National Planning, Housing and Infrastructure; the Maldives Land Survey Authority; the Maldives Customs Service; the Ministry of Transport and Civil Aviation; the Maldives Transport Authority; the Local Government Authority; the Ministry of Arts, Culture and Heritage; the National Centre for Cultural Heritage; the Ministry of Defence; the Maldives Police Service; the Maldives National Defence Force; the Coast Guard; the Ministry of Fisheries, Marine Resources and Agriculture; the Maldives Marine Research Institute; and the Ministry of Economic Development. Many also provided written comments to an early draft of the Legal & Policy Framework Assessment Report.

4 This report is provided for informational and educational purposes only and does not constitute legal advice. It is intended, but not promised or guaranteed, to be current and complete as of the date of publication. Transmission of this report is not intended to create, and its receipt does not constitute, an attorney-client relationship between any of its authors and any other person or entity.

5 See <https://www.noorajje.org>.

6 See <https://www.blueprosperity.org>.

The MoU identifies a series of objectives, many of which depend directly or indirectly on further legal and policy development. Key among these objectives is the official adoption of a legally binding EEZ-wide<sup>7</sup> marine spatial plan designed to sustain the marine environment while growing the blue economy. This includes designating at least twenty percent of the Maldives’ waters as fully protected marine protected areas based on best available science, and meaningful community and ocean stakeholder consultation.<sup>8</sup>

The present legal assessment represents the first stage of this legal and policy work, exploring how existing legal authorities contribute to ocean management in the Maldives. The content will be used to inform a broader conversation on how the existing legal framework can be used to support the objectives of the MoU, and to help to identify necessary legal reforms.

### 1.3 Description of Marine Spatial Planning and Ocean Zoning

Marine spatial planning is a “public process of analysing and allocating the spatial and temporal distribution of human activities in marine areas to achieve ecological, economic, and social objectives that are usually specified through a political process.”<sup>9</sup> It is an internationally recognised planning tool that utilises information about a particular ocean area, including its natural resources and human uses, to develop a comprehensive ocean management system. Over sixty countries rely on some type of marine spatial planning—and the number is growing.

Ocean zoning is the principal management measure for implementing marine spatial planning. Applying traditional notions of zones and use areas (e.g., shipping lanes, conservation areas, fishery zones, multiple-use zones, etc.), this approach essentially subdivides a designated ocean space into zones that prescribe allowable uses and restrictions. Key principles of marine spatial planning include reliance on the best available science, a participatory process, cross-sector planning, transparent decision-making, and consideration of economic and environmental objectives. To work on a practical level, marine spatial planning activities require sustainable funding and corresponding legal mechanisms to source and direct those funds.

For marine spatial planning to be effective and enforceable in the Maldives, it must be incorporated into the country’s legislative and institutional framework. This institutionalises the process, ensures that all parties are bound by a lawfully adopted plan, and provides for consistency of plan implementation and revisions. The determination of precisely how and where to incorporate marine spatial planning in the law depends on many factors, including the content and scope of existing legislation. Marine spatial planning is by definition cross-cutting, involving multiple economic sectors and governmental portfolios. Simultaneously, marine spatial planning law is typically intended to complement and build on existing legislation and work with existing institutional competencies.

By characterising the ocean management roles played by relevant laws and governmental institutions of the Maldives, this report will support the Government and its partners in determining where marine spatial planning best “fits” into the Maldives’ existing legal and institutional framework.<sup>10</sup>

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7 This could also include the territorial sea and potentially some internal waters, as that term is defined in the Maldives to include certain lagoons and reef areas.

8 Further objectives are to: develop and implement a joint marine science and research program including but not limited to: tuna, coral reefs, bait fish, biomass and biodiversity baseline studies, and other data; develop capacity and leadership, tools, skills, knowledge, and networks to empower marine science, ocean literacy, and conservation initiatives in support of blue prosperity and effective ocean management; develop and implement a major communications program amplifying the natural resources of the nation’s ocean and conservation leadership in the local, regional, and international spotlight to galvanise public support for political action, enhance marine tourism and ocean literacy and create new ocean leadership; advance existing blue economy activities, including sustainable fisheries and tourism, and explore best options for expanding the blue economy; ensure sustainable ocean management for the Maldives’ waters for the sake of coastal communities and livelihoods, the local and national economy, and the long-term sustainability of ocean resources for current and future generations by adopting necessary laws or policies; ensure all area designations in the marine spatial planning process are based on best available science (including ecological, fisheries, and socioeconomic analyses) and meaningful community and stakeholder consultations; support improved compliance and enforcement in the Maldives’ waters; and develop public and private sustainable finance mechanisms for ocean management by promoting necessary policies and forming relevant national and international partnerships.

9 C. Ehler et al., *Marine Spatial Planning: A Step-by-Step Approach toward Ecosystem-Based Management* 18, UNESCO IOC 2009.

10 This overview of marine spatial planning, and the importance of grounding it in law, is adapted from Blue Prosperity Coalition, *Designing Marine Spatial Planning Legislation for Implementation: A Guide for Legal Drafters* 7-10, May 2020.

## 1.4 National Planning Initiatives

Currently, the Maldives finds itself in a moment of intensive, government-wide strategic development planning and active legislative and regulatory reform across numerous sectors—all against the backdrop of the global COVID-19 pandemic.

The Strategic Action Plan 2019-2023 of the Government of Maldives (SAP) provides the central policy framework and planning document guiding the overall development direction of the Maldives during the present five-year period.<sup>11</sup> The SAP consolidates the current government's manifesto pledges with existing sectoral priorities, and serves as the main implementation and monitoring tool to track the progress of the delivery of the Government's policies and development priorities.<sup>12</sup> The SAP also represents a key policy document in the Maldives' effort to achieve its commitments to the UN Sustainable Development Goals (SDGs).<sup>13</sup>

Rolled out in late 2019, the SAP identifies five key sectors, including Blue Economy, Caring State, Dignified Families, *Jazeera Dhiriulhun*,<sup>14</sup> and Good Governance.<sup>15</sup> Each sector is divided into sub-sectors—33 in total. The Blue Economy and *Jazeera Dhiriulhun* sectors are most directly relevant to achieving sustainable ocean management.

**An overview of the SAP's Blue Economy approach is separately addressed in Section 1.5 of this report.**

The *Jazeera Dhiriulhun* sector of the SAP extensively outlines priorities that are relevant to community infrastructure and services. This sector consists of nine subsectors:

1. Decentralisation
2. Transport Network
3. Environmental Protection and Preservation
4. Clean Energy
5. Waste as a Resource
6. Water and Sanitation
7. Resilient Communities
8. Information, Communication, and Technology
9. Arts, Culture, and Heritage<sup>16</sup>

Numerous targets, policies, strategies, and actions identified by the SAP for these subsectors bear directly or indirectly on achieving sustainable ocean management; a full description is beyond the scope of the present report.<sup>17</sup> For example, the Transport Network subsector within the *Jazeera Dhiriulhun* sector aims to implement an efficient and affordable Integrated Transportation Network (ITN) to improve public transportation systems by ensuring a reliable, safe, affordable, and efficient public transportation system, including by way of new maritime legislation.<sup>18</sup> The Environmental Protection and Preservation subsector addresses issues of natural resource management and pollution,<sup>19</sup> and the Clean Energy subsector focuses

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11 Strategic Action Plan 2019-2023 of the Government of Maldives (SAP). Development planning in the Maldives began in the 1950s with the first socio-economic development plan: Three-Year Plan for the Maldives (1950-1952). Following that initial effort, there was no articulated development planning for a prolonged period. See SAP at 12.

12 SAP at 9.

13 See UN SDG Knowledge Platform (Maldives), at <https://sustainabledevelopment.un.org/memberstates/maldives>.

14 Translates to “island life” or “island lifestyle”.

15 SAP at 10.

16 SAP at 251.

17 SAP at 243 to 538.

18 SAP at 265.

19 SAP at 278. One key action identified for formulation during the five-year cycle of the SAP is a Strategic Environment Assessment (SEA) Framework to cover areas such as reclamation and other development projects. *Id.* at 282 (ch. 4.3 (Environmental Protection and Preservation), Action 1.4b). With the EPA as lead, the SEA Framework would be used at the policy, planning, and programme levels similar to an environment impact assessment. See Regulation No. 2012/R-12 (Regulation for the Preparation of Environment Impact Assessment Report). An EIA is used to identify and understand the environmental and social impacts of a proposed project at an early stage in project planning and design, prior to decision-making.

on the reversal of the Maldives' dependence on imported fuel and investment in renewable energy.<sup>20</sup> The Waste as a Resource subsector includes the Government's strategy to deal with waste management in the country and establishing waste management centres.

In addition, one of the key strategies includes recognising waste as a resource through integrating international waste management practices establishing extended producer responsibilities (EPR), and polluter pay principles, while reducing pollution through a complete ban on the use and sale of single-use plastic by 2023.<sup>21</sup>

Overall, while the SAP sets a number of ambitious objectives for the nation, but the COVID-19 global pandemic that began in 2020 has imposed severe restrictions on the country's economy and trade. This has in turn, resulted in an ongoing government reprioritisation of the SAP. The Government has formulated a National Resilience and Recovery Plan 2020-2022 (NRRP), which refocuses policies that have been identified as essential to the Government's main objectives of decentralisation, diversification, and building resilience.<sup>22</sup> The President's Office is currently in the process of integrating the existing SAP with the NRRP, which is expected to result in a workplan that prioritises aspects of the SAP to implement going forward.

In addition, the Maldives is at a point in time where various key laws and regulations are either in the process of undergoing amendment or are expected to be amended or updated.<sup>23</sup> These pending or likely changes—many of which are potentially relevant to ocean management—are noted through this report in the context of relevant sectors. Thus, the legal landscape with respect to ocean management is poised to undergo significant change in the near future.

## 1.5 Blue Economy Strategy

The World Bank defines the “blue economy” as the sustainable use of ocean resources for economic growth, improved livelihoods and jobs, and ocean ecosystem health.<sup>24</sup> Although there is no universally agreed-upon definition of the term blue economy, and its meaning tends to depend on local context, the hallmark is the use of marine resources in a sustainable manner.

Building and growing the Maldives' blue economy is actively under consideration. The country's present approach is spelt out in the Strategic Action Plan (SAP) discussed in Section 1.4.<sup>25</sup> As indicated in **Figure 1**, the concept of blue economy in the Maldives is conceived through six subsectors with, variously, three ministerial leads:

- the Ministry of Fisheries, Marine Resources, and Agriculture (MoFMRA);
- the Ministry of Tourism (MoT); and
- the Ministry of Economic Development (MoED).

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20 SAP at 294.

21 SAP at 304.

22 Maldives Covid-19 Response: Building National Resilience and Recovery 2020-2022 (National Resilience and Recovery Plan or NRRP). With respect to the fisheries, agriculture, and marine resources sector, the NRRP would seek to increase fish processing capacity and value addition, increase profitability from fisheries activities, and add fishery sector diversification (including through targeted interventions for mariculture/aquaculture development). The Government would make the Maldives Industrial Fisheries Company Ltd. (MIFCO) more efficient and self-sufficient and seek to attract private sector investments in the skipjack tuna industry. MIFCO (<https://www.mifco.com.mv/>) is the state-owned company engaged in the purchasing, processing and export of fish and fish products from the Maldives. It has four processing facilities in the Maldives: Felivaru Fisheries Complex (tuna canning plant); Kooddoo Fisheries Complex (main cold storage facility of MIFCO); Kandu Oiy Giri Fish Village; and Addu Fisheries Complex. MIFCO also has a fleet of vessels in operation to purchase fish directly from fishers. Also under the NRRP, the Maldives Marine Research Institute (MMRI) is required to review and revise the existing Aquaculture Development Plan and aquatic animal health strategy to ensure that all aspects of aquaculture development are addressed in the planning and development processes.

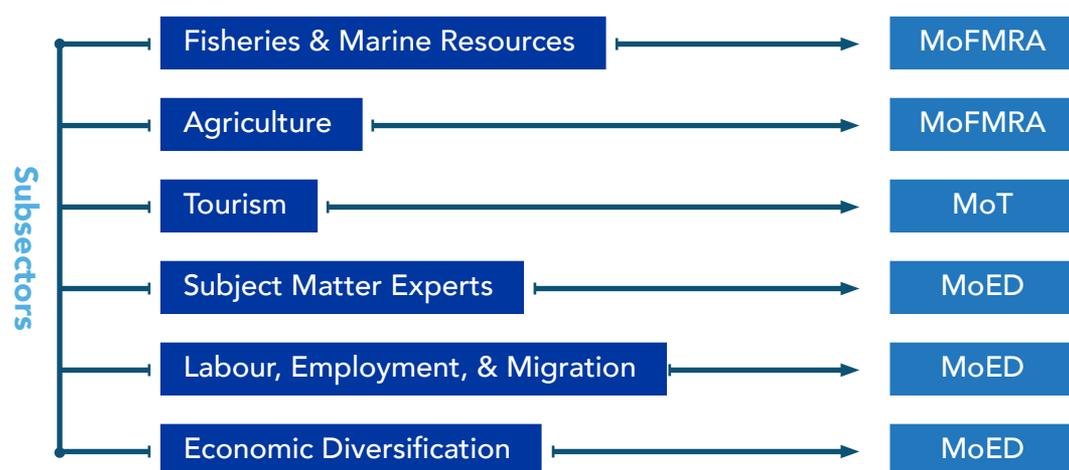
Also, as part of the Government's environment conservation and management plans, the NRRP would establish additional protected areas across the Maldives with sustainable concepts for management, amid participation of local communities.

23 The Attorney General's Office compiles a list of bills that are scheduled to be submitted to Parliament for every session.

24 The World Bank, “What is the Blue Economy?” June 6, 2017, at <http://www.worldbank.org/en/news/infographic/2017/06/06/blue-economy>.

25 SAP at 23 to 94 (Blue Economy).

**Figure 1.** Lead Coordination and Reporting Agencies of the SAP (Blue Economy Sector).<sup>26</sup>



The SAP sets forth numerous highly detailed targets, strategies, and individual actions to be implemented for each of the identified subsectors of its blue economy approach. The Government notes that the economy, particularly the tourism and fisheries sectors, and the well-being of the Maldives are all tied to the health and wealth of the natural environment—primarily the ocean, coral reefs, beaches, and marine life.<sup>27</sup>

The SAP explains that the stated policy within the Fisheries & Marine Resources subsector of the blue economy is to ensure the integrity and well-being of marine ecosystems.<sup>28</sup> It aims to address fishery-related challenges through the development of fishery management capacity, the protection of marine ecosystems, the development of the aquaculture industry (to diversify the fisheries sector and reduce dependency on wild stocks while increasing the profitability of fishery activities through technology support), access to finance, and increasing the value addition of fish and fishery products.<sup>29</sup> Related strategies include expanding reef health assessments, rehabilitation, and restoration, as well as increasing research on endangered, threatened, and protected species, and species of special interest.<sup>30</sup>

<sup>26</sup> SAP at 16. SMEs are small and medium-sized enterprises.

<sup>27</sup> SAP at 29.

<sup>28</sup> SAP at 34 (Policy 2).

<sup>29</sup> SAP at 30.

<sup>30</sup> SAP at 34 (Strategies 2.1 & 2.2). The MMRI is the designated lead for actions to be taken under these Strategies, with many other agencies identified as collaborating in implementation.

## 2 OVERVIEW OF THE MALDIVES GOVERNMENT

### 2.1 Geography and History

The Republic of the Maldives is a sovereign, independent island nation located in the Indian Ocean. The smallest country in Asia by area<sup>31</sup> and population,<sup>32</sup> the Maldives lies approximately 200 miles to the southwest of India. See **Figure 2**. The Maldives consists of 1,192 coral islands, of which 187 are inhabited. With an average elevation of only 1.5 metres, the Maldives is among the lowest-lying nations in the world.

**Figure 2.** Map of the Maldives.



Historically, the Maldives was a sultanate, dating back to the 1100s. In 1887, the islands became a British protectorate.<sup>33</sup> The Maldives achieved independence from the United Kingdom on July 26, 1965, and became a republic in 1968. The first-ever presidential elections under a multi-candidate, multi-party system were held in 2008.

- 31 Although the total land area of the Maldives is just 298 square kilometres, its ocean area is vast; the EEZ spans over 920,000 square kilometres.
- 32 The national population is over 500,000, with about one-third of Maldivians living in the capital city of Malé.
- 33 Despite the British Empire's dominance over the Indian Ocean region, and its control over the Maldives' external affairs, the Maldives was left to manage its own internal affairs during the period of British protection. So, unlike neighbouring India, Pakistan, and Sri Lanka, the Maldives was never subject to direct colonial rule by the British.

The Maldives is, by law and custom, an Islamic nation.<sup>34</sup> The national language of Dhivehi<sup>35</sup> is locally spoken. The English language is also widely spoken and popular in the Maldives, and most government officials speak it.

The culture and traditions of the Maldives are greatly influenced by the infusion of cultural elements from neighbouring countries and people of different ethnicities who have settled on the islands over many years. A rich culture and a proud history have evolved from the first settlers in the Maldives, who were seafarers from around the world, navigating the oceans in ancient times.

## 2.2 National Government

The Maldives is a sovereign, independent, democratic republic based on the principles of Islam.<sup>36</sup> It is a unitary state<sup>37</sup> with a multi-party political system.

The present Maldives Constitution was ratified on August 7, 2008.<sup>38</sup> There is a constitutional separation of powers among the three main branches of the State of the Maldives, which are legislative, executive, and judicial.<sup>39</sup> The Constitution also contains provisions<sup>40</sup> aimed at empowering local communities and formally incorporates the principle of decentralisation into the country's governance framework.

Following is an overview of the three branches.

### 2.2.1 Legislative

The legislative authority of the Maldives is vested in the Maldivian Parliament, a unicameral body known as the People's Majlis.<sup>41</sup> Parliament sits for a term of five years.<sup>42</sup> Currently, there are 87 seats, including two seats added by the Elections Commission in late 2018. Members are directly elected in single-seat constituencies by simple majority vote to serve five-year terms.<sup>43</sup> The next parliamentary elections are scheduled to be held in 2024. The administrative and procedural guidelines of Parliament are encompassed by regulations passed by Parliament.<sup>44</sup>

Among the expressly granted powers of Parliament is the power to enact legislation on any matter.<sup>45</sup> Most legislative decisions are made by majority vote.<sup>46</sup> Parliament cannot pass any law that contravenes any tenet of Islam.<sup>47</sup>

With respect to the legislative process in Parliament, bills introduced by members of the ruling party are considered government bills. Bills introduced by other members of Parliament are considered private bills.<sup>48</sup> Once submitted, a bill undergoes three reviews as outlined by **Figure 3**. Once passed by Parliament,

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34 Const. art. 10(a).

35 Const. art. 11.

36 Const. art. 2. The highest offices within each branch of government have as a constitutional qualification that only a Muslim and a follower of the Sunni school may hold such office. See, e.g., Const. arts. 73(a)(3) (member of parliament); 109(b) & 112(c) (president & vice president); 103(a)(3) (cabinet member); & 149(b)(1) (judges).

37 Const. art. 2.

38 The first written constitution of the Maldives was adopted in 1932. Since then, there have been six constitutions, adopted in 1942, 1953, 1954, 1968, 1997 and, most recently, in 2008. In 2015, Parliament amended the Constitution to cap the age of a presidential candidate at 65, and also to allow for foreign ownership of land under certain circumstances. Both of these amendments were repealed in 2018.

39 Const. chs. III, IV, & VI.

40 Const. ch. VIII.

41 Const. art. 70(a).

42 Const. art. 79(a).

43 Const. arts. 72 & 79(a).

44 Regulations of People's Majlis' 19th Sitting. See Const. art. 83.

45 Const. art. 70(b)(2).

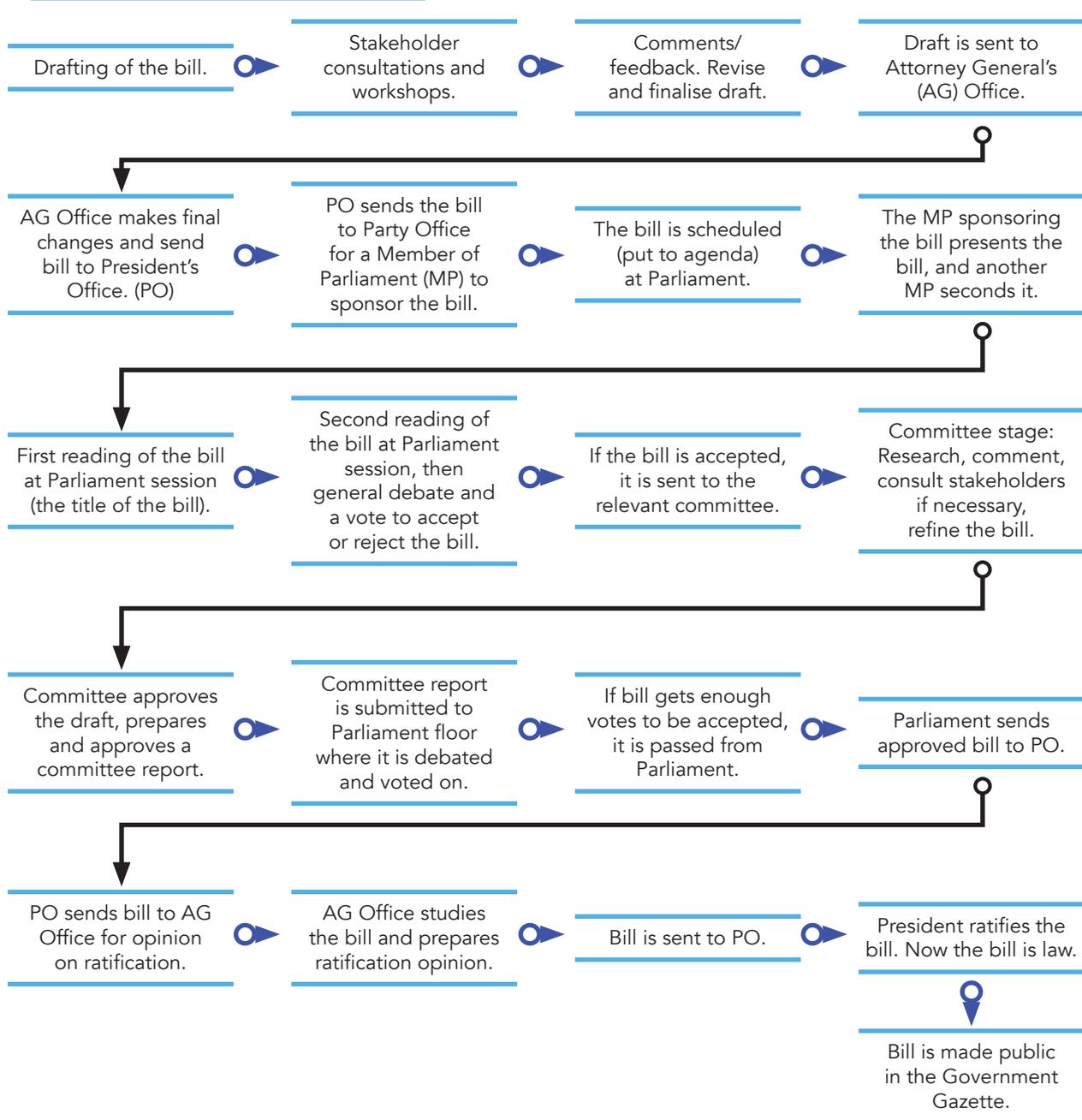
46 Const. art. 87(a).

47 Const. art. 70(c).

48 Regulation of People's Majlis' 19th Sitting § 82(a). However, any bill that imposes a tax or additional charge on citizens or requires any direct expenditure from public funds or any changes to the same, must be submitted by the government. Regulation of People's Majlis' 19th Sitting § 82(c).

the bill must be signed by the president for it to become law.<sup>49</sup> Every bill that becomes law upon ratification by the president is published in the Government Gazette on the day of ratification.<sup>50</sup>

**Figure 3.** Process by Which a Bill Becomes Law.



49 Const. art. 92. Every bill passed by Parliament must be presented for assent by the president within seven days from the date of passage, and the president must, within fifteen days of receipt, assent to the bill or return it for reconsideration or for any amendment proposed by the president. Const. art. 91(a). Any bill returned to Parliament for reconsideration must be assented to by the president and published in the Government Gazette if the bill, after reconsideration, is passed without any amendments, by a majority of Parliament. Const. art. 91(b). However, any bill not returned for reconsideration or amendment or assented to by the president within the specified time is considered to have been assented to by the president and must be published. Const. art. 91(c).

50 Const. art. 92.

Other express powers of Parliament include:

- the power to oversee the exercise of executive authority;<sup>51</sup>
- the power to approve and bring into force treaties entered into by the executive;<sup>52</sup> and
- the power to delegate rulemaking authority.<sup>53</sup>

## 2.2.2 Executive

The Maldives has a presidential system of government. Executive power is vested in the president, who is Head of State, Head of Government, and Commander in Chief of the Armed Forces.<sup>54</sup> The president is elected by direct vote of the people and holds office for a term of five years.<sup>55</sup> There is a vice president who assists the president in discharging his duties and responsibilities.<sup>56</sup> The next presidential election is scheduled to be held in 2023.

Among the powers of the president are to formulate fundamental policies of the state and to submit policies and recommendations to the appropriate agencies and institutions of government.<sup>57</sup> As noted in Section 2.2.1, legislation passed by Parliament is subject to presidential assent.

While in office, the president has the discretion to establish the ministries required within the government, and to determine each ministry's jurisdiction. The president must submit this information to Parliament for approval.<sup>58</sup> See [Table 2](#).

**Table 2. Ministries and Affiliated Agencies of the Maldives.**

Ministry		Website URL
Attorney General		<a href="http://www.agoffice.gov.mv/#/">http://www.agoffice.gov.mv/#/</a>
Ministry of Finance		<a href="https://www.finance.gov.mv/">https://www.finance.gov.mv/</a>
Ministry of National Planning, Housing, and Infrastructure*		<a href="https://planning.gov.mv/">https://planning.gov.mv/</a>
Ministry of Home Affairs		<a href="https://www.gov.mv/en/organisations/ministry-of-home-affairs">https://www.gov.mv/en/organisations/ministry-of-home-affairs</a>
Ministry of Defence		<a href="https://www.gov.mv/en/organisations/ministry-of-defence">https://www.gov.mv/en/organisations/ministry-of-defence</a>
Ministry of Foreign Affairs		<a href="https://www.gov.mv/en/organisations/ministry-of-foreign-affairs">https://www.gov.mv/en/organisations/ministry-of-foreign-affairs</a>
Ministry of Economic Development		<a href="https://www.trade.gov.mv/">https://www.trade.gov.mv/</a>
Ministry of Arts, Culture, and Heritage*		<a href="https://mach.gov.mv/">https://mach.gov.mv/</a>
	National Centre for Cultural Heritage	<a href="http://heritage.gov.mv/en">http://heritage.gov.mv/en</a>
* = English language website unavailable.		

51 Const. art. 70(b)(3).

52 Const. art. 93(a).

53 Const. art. 94. This provision simply recognises Parliament's authority to delegate rulemaking power to executive ministries through legislation.

54 Const. art 106(a), (b).

55 Const. arts. 108 & 107(a). There is a two-term limit. *Id.* art. 107(a).

56 Const. art. 112(a). A presidential candidate must publicly declare the name of the person who will serve as his vice president. *Id.* art. 112(b).

57 Const. art. 115(e).

58 Const. art. 116(a).

Ministry		Website URL
Ministry of Transport and Civil Aviation		<a href="https://www.gov.mv/en/organisations/ministry-of-transport-and-civil-aviation">https://www.gov.mv/en/organisations/ministry-of-transport-and-civil-aviation</a>
	Maldives Transport Authority* <sup>59</sup>	<a href="https://transport.gov.mv/">https://transport.gov.mv/</a>
Ministry of Education		<a href="https://www.moe.gov.mv/en/page">https://www.moe.gov.mv/en/page</a>
Ministry of Higher Education		<a href="https://www.mohe.gov.mv/">https://www.mohe.gov.mv/</a>
Ministry of Tourism		<a href="https://www.tourism.gov.mv/">https://www.tourism.gov.mv/</a>
Ministry of Gender, Family, and Social Services		<a href="https://gender.gov.mv/en/">https://gender.gov.mv/en/</a>
Ministry of Environment, Climate Change, and Technology		<a href="https://www.environment.gov.mv/v2/en/">https://www.environment.gov.mv/v2/en/</a>
	Environmental Protection Agency	<a href="https://en.epa.gov.mv/">https://en.epa.gov.mv/</a>
	Maldives Meteorological Services	<a href="https://www.meteorology.gov.mv/">https://www.meteorology.gov.mv/</a>
	Utility Regulatory Authority	<a href="https://www.ura.gov.mv/">https://www.ura.gov.mv/</a>
	Baa Atoll Biosphere Reserve Office	
	National Centre for Information Technology	<a href="https://www.gov.mv/en/organisations/national-centre-for-information-technology">https://www.gov.mv/en/organisations/national-centre-for-information-technology</a>
	Communications Authority of Maldives	<a href="https://www.cam.gov.mv">https://www.cam.gov.mv</a>
Ministry of Youth, Sports, and Community Empowerment		<a href="https://www.gov.mv/en/organisations/ministry-of-youth-sports-community-empowerment">https://www.gov.mv/en/organisations/ministry-of-youth-sports-community-empowerment</a>
Ministry of Islamic Affairs		<a href="https://www.gov.mv/en/organisations/ministry-of-islamic-affairs">https://www.gov.mv/en/organisations/ministry-of-islamic-affairs</a>
Ministry of Fisheries, Marine Resources, and Agriculture		<a href="https://www.gov.mv/en/organisations/ministry-of-fisheries-marine-resources-and-agriculture">https://www.gov.mv/en/organisations/ministry-of-fisheries-marine-resources-and-agriculture</a>
	Maldives Marine Research Institute	<a href="https://www.mrc.gov.mv/">https://www.mrc.gov.mv/</a>
Ministry of Health		<a href="http://health.gov.mv/">http://health.gov.mv/</a>
Local Government Authority		<a href="https://www.lga.gov.mv/page/80/21">https://www.lga.gov.mv/page/80/21</a>
* = English language website unavailable.		

The collective ministries represent the Cabinet of Ministers and the president presides.<sup>60</sup> The Cabinet consists of the vice president, the ministers given responsibility for the various aforementioned ministries, and the attorney general.<sup>61</sup> The Constitution assigns many responsibilities to the Cabinet, including: to assist the president in determining the general policies of the State and to supervise and implement those policies in all areas of government activity; to advise the president on draft bills; to direct, review, and

59 Legislation is pending in Parliament that would dissolve the Maldives Transport Authority and assign its responsibilities to the Ministry of Transport and Civil Aviation.

60 Const. arts. 129(a) & 115(f), (g). Chapter V of the Constitution governs the Cabinet of Ministers. The President's Cabinet appointments are subject to approval by Parliament. Const. art. 129(c).

61 Const. art. 129(b).

coordinate the work of the government; to assist the president in formulating the general policies of the State in relation to national and international matters; and to direct, review, and coordinate the political, economic, and social development of the Maldives.<sup>62</sup> Cabinet members are responsible individually and collectively to the president and to Parliament for the proper exercise of their assigned responsibilities and duties.<sup>63</sup> A Cabinet member is assigned responsibility for each authority or institution (including but not limited to ministries) established by the government or by Parliament—except for independent institutions specified in the Constitution or established pursuant to law. The Cabinet member is responsible for the operation of such authority or institution and must be accountable for it.<sup>64</sup>

In addition to the ministers, the president makes other appointments pursuant to the Constitution, including but not limited to the appointment of judges of the Supreme Court,<sup>65</sup> the Attorney General,<sup>66</sup> and the Prosecutor General.<sup>67</sup> The Attorney General advises the government on all legal matters and represents the Maldives in court, except with respect to matters that are the responsibility of the Prosecutor General.<sup>68</sup> The independent Prosecutor General supervises the prosecution of all criminal offences and is subject only to the general policy directives of the Attorney General.<sup>69</sup>

The president determines, conducts, and oversees foreign policy.<sup>70</sup> The president also enters into treaties and agreements with foreign states and international organizations, although Parliament must approve any such arrangements that impose obligations on Maldivian citizens.<sup>71</sup>

### 2.2.3 Judicial

Judicial power is vested in the courts of the Maldives—specifically, in the Supreme Court, the High Court, and such trial courts as may be established by the law.<sup>72</sup> See [Figure 4](#).

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62 Const. art. 132(a), (b), (c), & (f).

63 Const. art. 134(a).

64 Const. art. 140.

65 Const. art. 148. Appointments are made in consultation with the Judicial Service Commission and on confirmation by Parliament. *Id.* The Judiciary is discussed in Section 2.2.3, *infra*.

66 Const. art. 133(a). The Attorney General, as a member of Cabinet, is subject to confirmation by Parliament. *Id.* art. 129(a)-(c).

67 Const. art. 221. This appointment is subject to confirmation by Parliament.

68 Const. art. 133(b), (c).

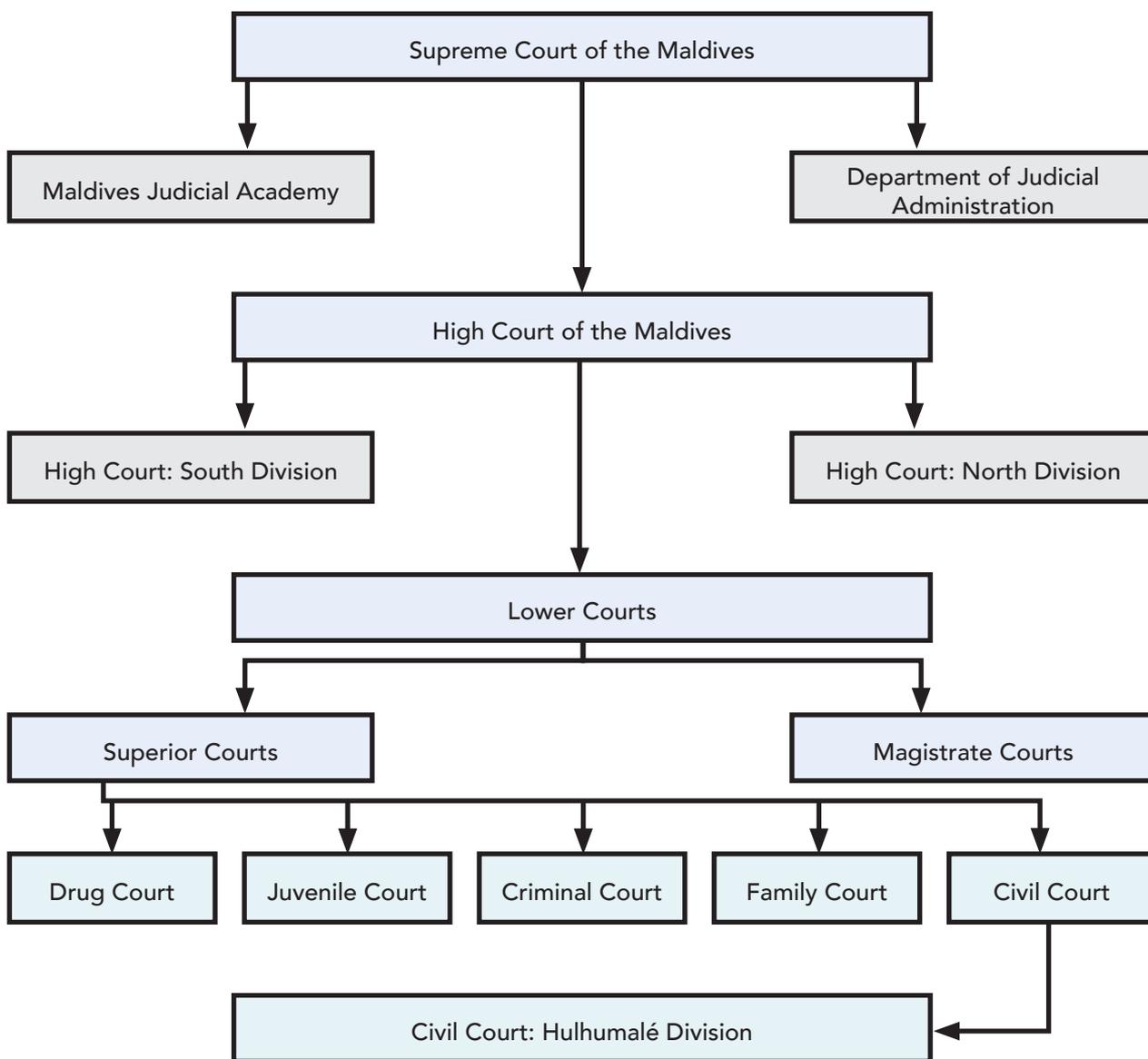
69 Const. art. 220.

70 Const. art. 115(j).

71 Const. art. 115(k).

72 Const. art. 141(a). Trial courts as used here refer to the lower courts, including the superior courts and magistrate courts, as discussed *infra*.

Figure 4. Structure of the Judiciary.<sup>73</sup>



The Supreme Court of the Maldives is the highest authority for the administration of justice in the Maldives. The Chief Justice is the highest authority of the Supreme Court.<sup>74</sup> The Supreme Court is the final authority on the interpretation of the Constitution, the law, or any other matter dealt with by a court of law.<sup>75</sup> The Supreme Court must have an odd number of justices;<sup>76</sup> there are presently seven, including the Chief Justice.<sup>77</sup> Supreme Court Justices are appointed by the president in consultation with the Judicial Service

73 Maldives Dep’t of Judicial Admin., “Court System,” at <http://english.judiciary.gov.mv/court-system/>.

74 Const. arts. 141(b) & 145. See <https://supremecourt.mv/en>. An interim Supreme Court was established in September 2008, which was replaced by a permanent Supreme Court in 2010. Transparency Maldives, “The Maldivian Court System,” October 2015.

75 Const. art. 145(c). Matters within the Supreme Court’s inherent jurisdiction and its appellate jurisdiction are further elaborated by statute. Act No. 22/2010 (Judicature Act) §§ 11 (inherent jurisdiction) & 12 (appellate jurisdiction).

76 Const. art. 145(a).

77 Act No. 22/2010 (Judicature Act) § 5.

Commission and subject to confirmation by Parliament. The Judicial Service Commission is a ten-member body, which includes selected high government officials and a member of the public.<sup>78</sup>

The High Court of the Maldives serves as an appellate court of first resort for challenges to decisions made by lower courts.<sup>79</sup> The High Court is comprised of nine judges,<sup>80</sup> including the Chief Judge.<sup>81</sup>

The Supreme Court and the High Court have jurisdiction to inquire into and rule on the constitutional validity of any statute enacted by Parliament.<sup>82</sup> All courts of the Maldives have jurisdiction to determine matters concerning the interpretation and application of any provision of the Constitution, and have jurisdiction to overturn the decision of a lower court.<sup>83</sup> A lower court must follow the decisions of a higher court.<sup>84</sup> All judges must be independent and impartial, subject to only the Constitution and the law. When deciding matters on which the Constitution or the law is silent, judges must consider Islamic Shari'ah.<sup>85</sup>

The lower courts of the Maldives include various courts of the first instance.<sup>86</sup> The lower courts have an "upper category" and a "lower category."<sup>87</sup> The upper category consists of the five superior courts, which are based in Malé:<sup>88</sup> the Criminal Court;<sup>89</sup> the Civil Court;<sup>90</sup> the Family Court;<sup>91</sup> the Juvenile Court;<sup>92</sup> and the Drug Court.<sup>93</sup>

The lower category comprises the 187 magistrate courts (formerly called "Island Courts") that are located on the inhabited islands of the Maldives, except where superior courts exist.<sup>94</sup>

Although judges of the Maldives are appointed without term, there is a mandatory retirement age of seventy years.<sup>95</sup>

## 2.3 Legal System

The Maldivian legal system is based on a mixture of Islamic law and English common law. Islam is the state religion, and as such, Islam is the basis of all of the laws of the Maldives.<sup>96</sup> No law contrary to any tenet of Islam may be enacted in the Maldives.<sup>97</sup>

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78 Const. arts. 148(a) & 157 to 166. All other judges in the Maldives are appointed by the Judicial Service Commission. *Id.* art. 148(b).

79 Const. art. 146(a); Act No. 22/2010 (Judicature Act) §§ 31(a) & 36. There are also certain situations in which the High Court has original jurisdiction or otherwise serves as the court of first instance. *Id.* §§ 36 to 37.

80 Act No. 22/2010 (Judicature Act) § 27.

81 Act No. 22/2010 (Judicature Act) § 29.

82 Const. art. 143(a). Both the High Court and the Supreme Court were empowered from 21 March 2010 to issue Supervisory Jurisdiction Orders. These include writs of certiorari, habeas corpus, mandamus, and prohibition. Circular No. 2010/01/SC of the Supreme Court of the Maldives. However, this authority was repealed by the current Supreme Court on 10 October 2020.

83 Const. art. 143(b), (c).

84 Const. art. 143(d).

85 Const. art. 142. "Islamic Shari'ah" is defined to mean "the Holy Qur'an and the ways preferred by the learned people within the community and followers of the Sunnah in relation to criminal, civil, personal, and other matters found in the Sunna." Const. art. 274(a).

86 Act No. 22/2010 (Judicature Act) § 52.

87 Act No. 22/2010 (Judicature Act) § 52(b).

88 Act No. 22/2010 (Judicature Act) §§ 52(c) & 53(a)-(b).

89 Act No. 22/2010 (Judicature Act) sched. 2 (Jurisdiction of the Criminal Court).

90 Act No. 22/2010 (Judicature Act) sched. 1 (Jurisdiction of the Civil Court). This court is authorised to hear financial disputes, contract disputes, and administrative disputes. The Civil Court also has the power to implement civic or municipal injunctions relating to the decisions of the Supreme Court, the High Court, and the Criminal Court.

91 Act No. 22/2010 (Judicature Act) sched. 3 (Jurisdiction of the Family Court).

92 Act No. 22/2010 (Judicature Act) sched. 4 (Jurisdiction of the Juvenile Court).

93 Act No. 17/2011 (Drugs Act) ch. 5 & § 37 (Jurisdiction of the Drug Court).

94 Act No. 22/2010 (Judicature Act) §§ 52(d), 53(e), & 62 to 63. There are approximately 130 sitting magistrates (*ghazi*).

95 Const. art. 148(c).

96 Const. art. 10(a).

97 Const. art. 10(b). "Tenet of Islam" is defined as "the Holy Qur'an and those principles of Shari'ah whose provenance is not in dispute from among those found in the Sunna of the Noble Prophet, and those principles derived from these two foundations." Const. art. 274(a).

The Constitution is supreme, which means the powers of the State must be exercised in accordance with the Constitution.<sup>98</sup> The Constitution defines “law” to mean the statutes enacted by Parliament and assented to by the president, as well as the regulations that are authorised by, and fall within the ambit of, such statutes.<sup>99</sup>

The Interpretation Act sets forth rules and principles guiding the construction, interpretation, and application of acts and regulations in force in the Maldives.<sup>100</sup> For example, the Interpretation Act provides for the rule of literal or ordinary meaning,<sup>101</sup> the rule of implementing the remedy for which an act was enacted (or the mischief rule),<sup>102</sup> and the rule of special meaning (or the golden rule).<sup>103</sup> In addition to the methods of interpretation,<sup>104</sup> the Act includes provisions on matters of form relating to acts, e.g., with respect to schedules, parts or chapters, or different headings, forms, examples, and the like.<sup>105</sup>

The Interpretation Act further provides guidance relating to offences—e.g., where legislation does not provide that an attempt to commit an offence is a separate offence from the actual offence, and a penalty is not imposed for attempt, the court may regard the attempt as an offence and impose a penalty not exceeding 75% of the penalty imposed for the actual offence under the legislation. Also, imposition of a particular penalty on a person in accordance with legislation is without prejudice to the opportunity to claim compensation in civil proceedings.<sup>106</sup> Also, where a particular amount or fine is legislatively prescribed, unless otherwise stated, it is recognised that the legislation provides a maximum amount or fine and that a lesser amount may be imposed.<sup>107</sup> The Interpretation Act includes provisions prescribing powers conferred to perform particular acts, such as those relating to acting on behalf of the president or a minister.<sup>108</sup> It also includes provisions on computation of time<sup>109</sup> and a comprehensive list of definitions.<sup>110</sup>

## 2.4 Decentralised Administration

Maldivian decentralisation began with a process of constitutional reform that started in the 1990s.

The 1998 National Development Plan declared that “the spatial distribution of the population” was the major challenge in providing social services, costing the state four to five times more than in other island states and continental developing countries.<sup>111</sup> The consequent policy initiative was to create dispersed urban centres and reduce the pressure on the capital city of Malé. This was the precursor to decentralised administration.

Provincial authorities (also referred to as regional authorities or development councils) were formed. The formation of the provinces and their authority, while not described in an act of Parliament, was and is a significant aspect of the decentralisation process. Of particular significance was the formation of seven

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98 Const. art. 8. Except as amended by Parliament, the laws in force at the time the 2008 Constitution took effect, and which were not inconsistent with the Constitution, continued to remain in force. Const. art. 269.

99 Const. art. 274(a).

100 Act No. 4/2011 (Interpretation Act).

101 Act No. 4/2011 (Interpretation Act) § 3.

102 Act No. 4/2011 (Interpretation Act) § 4. The rule is applied by determining the defect that an act set out to remedy and then enforcing the act in a manner that implements this remedy in the proper context, taking into account new situations and circumstances.

103 Act No. 4/2011 (Interpretation Act) § 5. The rule is used in circumstances where a word, phrase, or sentence used in an act conveys more than one meaning, and it appears that acting upon the ordinary meaning of that word, phrase, or sentence is likely to lead to an absurd result, or a result that would contradict the concept of the act. The rule makes use of a special meaning instead of the ordinary meaning to eliminate the possibility of the absurd result or contradiction.

104 Act No. 4/2011 (Interpretation Act) §§ 7 to 11.

105 Act No. 4/2011 (Interpretation Act) §§ 14 & 15(a), (b), (c).

106 Act No. 4/2011 (Interpretation Act) § 31.

107 Act No. 4/2011 (Interpretation Act) § 32.

108 Act No. 4/2011 (Interpretation Act) §§ 21 to 30.

109 Act No. 4/2011 (Interpretation Act) § 35.

110 Act No. 4/2011 (Interpretation Act) § 40.

111 Ministry of Planning and National Development Sixth National Development Plan (2001-2005), Malé (1998). (Sixth National Development Plan). The Fifth National Development Plan (1997-2000) had focused on good governance: See Asian Development Bank, Country Strategy & Program Update 2002-2004, the Maldives, at 5.

health corporations, seven utility corporations (whose mandates included water, sewage, and electricity), and seven regional education authorities.

Leading up to the adoption of the 2008 Constitution, actors across the political divide agreed that decentralised administration was crucial for the Maldives' development, which resulted in a constitutional mandate that the administrative divisions of the country be governed in a decentralised manner.<sup>112</sup> A system of decentralised administration was then endorsed in the Maldives by the 2008 Constitution, and two years later enabling legislation was enacted by way of the Decentralisation Act.<sup>113</sup>

Pursuant to this Act, the administrative divisions of the Maldives consist of atolls, islands, and cities, each administered by its own council.<sup>114</sup>

### 2.4.1 Atoll Councils

The administrative definition of atoll is different from its geographical meaning. Where naturally an atoll refers to the "ring-like" geographical structure, administrative atolls are a group of islands (not necessarily within the geographic ring of an atoll) or constituencies. Atoll councils—formerly known as atoll offices—oversee administrative governance for all matters within their respective atolls.

Provisions relating to atoll councils are set forth in Chapter 2 of the Decentralisation Act. An atoll council must be formed for each of the twenty administrative regions, and each council is an independent legal entity. The powers and responsibilities of atoll councils include monitoring and coordinating the work of island councils, carrying out development activities within the atolls, and financing these activities by taking out loans or generating revenue by various means. The number of councilors per atoll is dependent on the number of island and city councils within the designated administrative division. The atoll council consists of the council president and council members. The atoll council president is elected by a majority of the constituents within the administrative division. The length of term of each elected council (i.e. of each elected atoll council member, as well as each island and city council member), is currently five years.

### 2.4.2 Island Councils

Island councils—formerly known as island offices—are headed by island councilors. Provisions governing island councils are contained in Chapter 4 of the Decentralisation Act. Island councils must be established on every inhabited island that is not designated as a city; and each island council has the status of a separate legal entity.

An island council's composition is determined in accordance with the population of the island.<sup>115</sup> Relatedly, Women's Development Committees (WDCs) have been legally recognised to advise island councils on matters related to island development.<sup>116</sup>

The powers and responsibilities conferred on island councils include broad development responsibilities, such as implementing development projects, acquiring land reefs and lagoons in accordance with the Land Act,<sup>117</sup> and maintaining a safe and peaceful environment in the island in collaboration with the Maldives Police Service. Correspondingly, services to be provided by the island council also include building and maintaining roads; waste disposal; jetty maintenance; operation of ferry terminals; alleviating any land erosion problems; maintaining public utilities such as water, sewerage, and electricity; providing primary health care; maintaining sports fields and playgrounds; protecting victims of domestic violence; maintaining a land registry; and maintaining mosques and cemeteries.

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112 Const. arts. 230 to 241.

113 Act No. 7/2010 (Decentralisation Act).

114 Except as otherwise stated, references in this report to "councils" are to one of the more local councils established in accordance with the Maldives' decentralisation laws and described in Section 2.4.

115 Five members if the population is less than 3,000; and seven members if the population is greater than 3,000. See Act No. 7/2010 (Decentralisation Act) § 24(a). At least two members elected to island councils with five members must be women; and at least three members elected to island councils with seven members must be women: Act No. 7/2010 (Decentralisation Act) § 24(b).

116 Act No. 10/2010 (Local Councils Elections Act) § 35; Act No. 7/2010 (Decentralisation Act) §§ 56 to 57.

117 Act No. 1/2002 (Land Act of Maldives).

### 2.4.3 City Councils

An inhabited island or region with a population over ten thousand, provided that island or region includes a certain level of economic development and available facilities, can be given “city” status and would have a city council. A city council governs the affairs of the city and any inhabited islands in its jurisdiction or designated area.

The city council elected to these areas is legally independent. The power and responsibilities of city councils and the services they provide are defined similarly to that of island councils. But unlike island councils, city councils have broader discretion to raise funds through financial securities and trading activities.

Currently, there are four cities across the Maldives:

- Malé,
- Addu,
- Fuvahmulah, and
- Kulhudhufushi.

In addition to the Decentralisation Act, the Local Councils Elections Act<sup>118</sup> serves as key legislation for implementing a decentralised government. For example, the Decentralisation Act mandates the Elections Commission to arrange for all Maldivians, both in-country and those living abroad, to participate in the local council elections.<sup>119</sup>

With the COVID-19 global pandemic causing significant delays, some of the rules prescribed in relation to local council elections by the Decentralisation Act were not fulfilled. New legislation adopted in 2020<sup>120</sup> allowed for previously scheduled local council elections to be held in April of 2021. The new legislation was later amended<sup>121</sup> to require relevant authorities to move forward with the election process despite a health emergency. This Act ensures the continued functioning of the decentralised government within the Maldives and acted as a legislative remedy to postponing the elections over public safety concerns.

The Local Councils Elections Special Provision Act supplements the Decentralisation Act, which outlines the powers and expected conduct of council members who remain in office in an interim capacity. This legislation is a sunset law, which is not a common type of legislation adopted in the Maldives. This Act demonstrates the ability of the legislature to adapt and adopt modern legal instruments applicable to emergency situations such as that presented by COVID-19.

## 2.5 Law Enforcement

Law enforcement in the Maldives—with respect to ocean management—is undertaken by various agencies, including the Maldives Police Service (MPS, or Police), the Maldives National Defence Force (MNDF) Coast Guard, the Maldives Customs Service (MCS), and the Environmental Protection Agency (EPA). In addition, as discussed in Section 5.2.8 of this report, rangers may be appointed under the Fisheries Act.

The MPS has the general mandate and discretion to exercise the powers given to it by law, to the extent provided under such law.<sup>122</sup> The MPS is mandated to ensure the safety of all members of the public, without discrimination or influence, and in accordance with best human rights practices. Today, the MPS seeks to provide greater community-based policing services within the decentralised system of governance.<sup>123</sup>

The MNDF, a part of the Ministry of Defence, reinforces the MPS and is the primary internal and external security organisation of the country. The MNDF is responsible for maintaining law and order, peace, and sovereignty, and it protects the EEZ. The MNDF Coast Guard has the primary responsibility for the defence,

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118 Act No. 10/2010 (Local Councils Elections Act).

119 Act No. 10/2010 (Local Councils Elections Act) § 4(a), (b).

120 Act No. 3/2020 (Local Council Elections Special Provision Act). See also Act No. 5/2020 (Special Act to Ensure Decentralisation in the Maldives).

121 First Amendment (Act No. 1/2021) to Act No. 3/2020 (Local Council Elections Special Provision Act).

122 Act No. 34/2020 (Maldives Police Act) § 93(a) & (b).

123 Act No. 34/2020 (Maldives Police Act). The recently ratified Maldives Police Act, which repealed the old Police Act, outlines the fundamental principles, guidelines, roles, responsibilities, and other aspects concerning police officers, intending to streamline policing in the Maldives.

security, and safety of the vast EEZ of the Maldives. Further, the Coast Guard is the primary provider of maritime Search and Rescue (SAR) services across the Search & Rescue Region (SRR) designated to the Maldives. In addition, the Coast Guard has the mandate for marine resource protection and acts as the lead agency in response to marine pollution.<sup>124</sup>

The range of operations assigned to the Coast Guard include a combat role at sea, a constabulary role (law enforcement), a benign role (civil military assistance), and the diplomatic role to foster bilateral relations with foreign partners.

The Armed Forces Act of 2008 accords special status to the captains of Coast Guard vessels to arrest and seize the vessel, property, and crew of any vessel violating any law of the Maldives in any maritime zones.<sup>125</sup> If the violation requires criminal investigation, then the vessel, property, and crew have to be handed over to the MPS for investigation and criminal proceedings.

Registered in the IMO Global SAR Plan, a Maritime Rescue Coordination Centre (MRCC) operates under the ambit of the Coast Guard in K. Vilimale with three associated Rescue Sub-Centres (RSC) in Ha. Uligan, L. Kadhdhoo, and S. Gan to deliver SAR service.

MNDF also has the general mandate and responsibility to perform the functions assigned to them under the Constitution and laws of the Maldives.<sup>126</sup>

The MCS<sup>127</sup> is a statutory body that comes under the supervision of the Minister of Defence. The MCS is responsible for carrying out all necessary activities pertaining to customs in relation to the import and export of goods to and from the Maldives, collection of duties, and prevention of smuggling. Governed by the Maldives Customs Act, the MCS has the authority to stop, inspect, and search suspected persons, craft, and cargo arriving in and leaving the Maldives.<sup>128</sup>

The EPA<sup>129</sup> acts as an enforcement body with respect to environmental compliance. EPA has the mandate to process environmental impact assessments (EIAs), implement environmental laws and regulations, and investigate environmental crimes (including the imposition of fines).

In addition, accountability mechanisms are established through independent commissions to ensure the functionality of the law enforcement agencies. Some of these include the National Integrity Commission<sup>130</sup> and the Anti-Corruption Commission.<sup>131</sup>

## 2.6 Regional and International Engagement

Following independence in 1965, the Maldives joined the United Nations. Since 1978, the Maldives has pursued a policy of international engagement, establishing links with donor institutions and countries. In 2020, the Maldives rejoined the Commonwealth of Nations after an absence.<sup>132</sup>

The Maldives is engaged with a wide variety of international and regional bodies that are relevant to ocean management, fisheries, and conservation. The Maldives is a member of the International Maritime Organization (IMO) and a party to numerous IMO conventions, as set forth in detail in **Appendix 2** to this report. The Maldives is also a member of the Indian Ocean Tuna Commission (IOTC), the Southwest Indian Ocean Fisheries Commission (SWIOFC), the Bay of Bengal Programme Inter-Governmental Organisation, the South Asian Association for Regional Cooperation (SAARC), the SAARC Development Fund, the SAARC

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124 Notes of interview with Coast Guard on file with the authors.

125 Act No. 1/2008. The Maldives does not have a navy.

126 *Id.* § 7(n).

127 See <https://www.customs.gov.mv>.

128 Act No. 8/2011 (Maldives Customs Act) § 2. The recorded history of Maldives Customs is traced to 1890. See <https://www.customs.gov.mv/About/Organization/History>.

129 See <https://en.epa.gov.mv>.

130 See [http://www.nic.gov.mv/eng/law\\_regulation.php](http://www.nic.gov.mv/eng/law_regulation.php).

131 See <https://acc.gov.mv/en/>.

132 The Maldives first entered the Commonwealth in 1982 but withdrew in 2016. It reapplied in 2018 under the leadership of the newly elected President Ibrahim Mohamed Solih, and was readmitted effective February 2020. See the Maldives' Commonwealth member country pages at <https://thecommonwealth.org/our-member-countries/maldives>.

Convention on Cooperation on Environment, and the South Asia Co-operative Environment Programme (SACEP). **Table 3** identifies other key international memberships of the Maldives.

**Table 3. Other International and Regional Engagement by the Maldives.**

UN Agencies	Development and Cooperation	World Bank Group	Judicial and Law Enforcement
Food and Agriculture Organization (FAO)	Asian Development Bank (ADB)	International Bank for Reconstruction and Development (IBRD)	Statute of the International Court of Justice (ICJ)
International Labour Organization (ILO)	World Trade Organization (WTO)	International Development Association (IDA)	Rome Statute of the International Criminal Court (ICC)
UN Educational, Scientific and Cultural Organization (UNESCO)	International Monetary Fund (IMF)	International Finance Corporation (IFC)	INTERPOL
International Fund for Agricultural Development (IFAD)	Group of 77 (G-77)	Multilateral Investment Guarantee Agency (MIGA)	World Customs Organization
UN Industrial Development Organization (UNIDO)	Asian and Pacific Development Centre		
World Health Organization (WHO)	Alliance of Small Island States (AOSIS)		
UN Conference on Trade and Development (UNCTAD)	Colombo Plan		
World Tourism Organization (UNWTO)	Nonaligned Movement		
	Organization of Islamic Cooperation (OIC)		
	Group of Indian Ocean Tuna Council (IOTC) Coastal States (G16)		
	Indian Ocean Rim Association (IORA)		

**Appendix 2** identifies key treaties and arrangements, including important maritime and fisheries conventions and multilateral environmental agreements, to which the Maldives is party and that are most relevant to ocean management and the blue economy.<sup>133</sup>

<sup>133</sup> The Constitution provides that citizens of the Maldives must comply with ratified treaties only as provided for in domestic law enacted by Parliament. Const. art. 93(b). Thus effective domestic implementation of the Maldives' international commitments depends on domestic legislative action.

## 3 OCEAN JURISDICTION

### 3.1 Constitutional Territory of the Maldives

Pursuant to the Constitution, “[t]he territory of the Maldives encompasses the land, air space, sea and seabed within the archipelagic baselines of the Maldives drawn in accordance with the law, and includes the territorial waters, the seabed and air space thereof beyond [] said baselines.”<sup>134</sup>

The sovereignty of the Maldives extends beyond its land area to its internal waters, archipelagic waters, and territorial sea, together with the associated seabed, subsoil, and airspace.<sup>135</sup> The land, sea, and seabed, including all fish within the territory of the Maldives, and all naturally occurring resources—metallic ores, petroleum, and gas—vest in the State.<sup>136</sup>

Except in accordance with international standards and applicable Maldivian law, it is prohibited for foreign aircraft to enter or engage in overflight across the airspace of, or via air routes above, the land territory, internal waters, archipelagic waters, or territorial sea.<sup>137</sup>

### 3.2 Maritime Zones

The Maritime Zones of Maldives Act is the primary source of domestic law establishing and characterising Maldivian maritime zones.<sup>138</sup> The government is authorised to adopt regulations under the Act with respect to Maldivian maritime zones and airspace.<sup>139</sup>

Jurisdiction over the Maldives’ maritime zones is also subject to international law—in particular to the United Nations Convention on the Law of the Sea (UNCLOS), to which the Maldives is party.<sup>140</sup>

In 2019, the Maldives—a low-lying island nation that is especially vulnerable to the impacts of climate change—formally presented to the International Law Commission its views on the relationship between sea-level rise and the delimitation of international maritime boundaries.<sup>141</sup> In sum, the Maldives takes the following positions:

- First, once a State has determined the extent of its maritime entitlements in accordance with UNCLOS and deposited the appropriate charts and geographic coordinates with the UN, as the Maldives has done, these entitlements are fixed and will not be altered by subsequent physical changes to a State’s geography as a result of sea-level rise.
- Second, sea-level rise has no effect on maritime boundaries between two States when they have been fixed by treaty.<sup>142</sup>

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134 Const. art. 3. Changes to the nation’s territory may be made only pursuant to a law enacted by a two-thirds majority of the total membership of Parliament. *Id.*

135 Act No. 6/1996 (Maritime Zones of Maldives Act) § 8.

136 Const. art. 248(a).

137 Act No. 6/1996 (Maritime Zones of Maldives Act) §15(a). Foreign military aircraft are subject to the same prohibition, with the added requirement of receiving authorization from the Government. *Id.* § 15(b).

138 Enacted in 1996, this Act repeals two earlier jurisdictional laws: Act No. 30/1976 (Law relating to the exclusive economic zone of the Maldives) and Act No. 32/1976 (Law relating to the navigation and passage by foreign ships and aircraft through the airspace, territorial waters, and exclusive economic zone of the Maldives). Act No. 6/1996 (Maritime Zones of Maldives Act) § 19.

139 Act No. 6/1996 (Maritime Zones of Maldives Act) § 17. To date, no such regulations have been issued.

140 The Maldives ratified the Convention on September 7, 2000. UNCLOS provides the international legal framework governing the use of maritime areas and marine activities. It establishes the ocean jurisdiction that may be claimed by nations, defines the rights and responsibilities of countries in respect of their use of the world’s oceans, and establishes guidelines for the management of marine natural resources, among other things.

In addition to express jurisdictional claims made under the Maritime Zones of Maldives Act, the Maldives lays claim to, more generally, all other rights and jurisdiction States may enjoy under international law with respect to maritime zones. Act No. 6/1996 (Maritime Zones of Maldives Act) § 16.

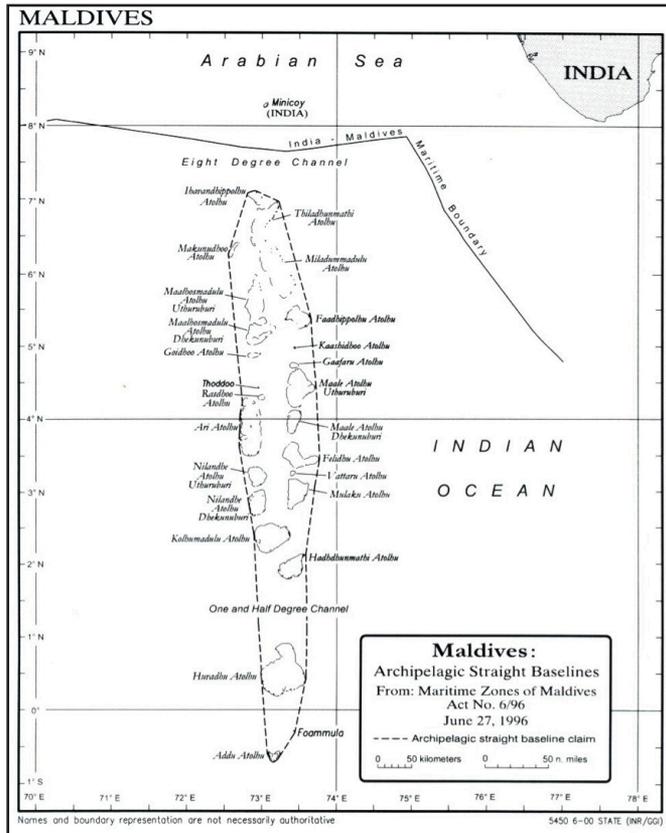
141 Maldives, “Information and examples of State practice on ‘Sea-level rise in relation to international law,’” December 31, 2019.

142 *Id.* at 9.

### 3.2.1 Archipelagic Baselines

A nation's maritime zones are established from its baselines. The Maldives has claimed archipelagic baselines<sup>143</sup>—one of only about two dozen nations to do so. See **Figure 5**. The maritime area contained within these archipelagic baselines, not including internal waters, comprises the archipelagic waters of the Maldives.<sup>144</sup>

**Figure 5.** Archipelagic Baselines of the Maldives.



Foreign vessels have the right of continuous and expeditious archipelagic passage in the sea lanes designated by the government from among international navigation channels, in accordance with regulations made under the Maritime Zones of Maldives Act.<sup>145</sup>

### 3.2.2 Territorial Sea

The territorial sea is the maritime area contained within 12 nautical miles (nm) of archipelagic baselines.<sup>146</sup> Other than vessels engaged in innocent passage pursuant to international law, it is prohibited for any vessel to enter the territorial sea except in accordance with domestic law.<sup>147</sup>

### 3.2.3 Contiguous Zone

The contiguous zone is the maritime area adjacent to the territorial sea, extending from 12 nm to 24 nm.<sup>148</sup> The Maldives may exercise within its contiguous zone the control necessary to prevent infringement of its customs, fiscal, immigration, or sanitary laws and regulations within the territory of the Maldives and its territorial sea, and to punish the infringement of such laws and regulations when committed within Maldivian territory and the territorial sea.<sup>149</sup>

143 Act No. 6/1996 (Maritime Zones of Maldives Act) §§ 3 & 18(a) & sched. 1 (fixing archipelagic baseline coordinates). See also Law of the Sea Bulletin No. 41 (1999) (publicising the Maldives' claimed archipelagic baselines).

144 Act No. 6/1996 (Maritime Zones of Maldives Act) § 3. The inland waters of every atoll, as well as the lagoons and reefs of islands are the "internal waters" of the Maldives. The government may designate, in accordance with international law, additional maritime areas to be internal waters. Act No. 6/1996 (Maritime Zones of Maldives Act) § 2(a). However, should any change to the zoning of these waters be made so as to alter the territory of the Maldives, such change must be made under legislation passed by a two-thirds majority of Parliament. *Id.* § 2(b). It is prohibited for a foreign vessel to enter the internal waters of the Maldives except with prior authorization from the government. Act No. 6/1996 (Maritime Zones of Maldives Act) § 11. Figure 5 is adapted from U.S. Department of State, "Limits in the Seas: Maldives Maritime Claims and Boundaries," No. 126, September 8, 2005 ("Limits in the Seas") at 6.

145 Act No. 6/1996 (Maritime Zones of Maldives Act) § 12.

146 Act No. 6/1996 (Maritime Zones of Maldives Act) § 4.

147 Act No. 6/1996 (Maritime Zones of Maldives Act) § 13(a). Nor may any foreign warship, nuclear-powered ship, or ship carrying nuclear or other inherently dangerous or noxious substances enter the territorial sea, for any purpose, except with prior authorization of the government, in accordance with domestic law. *Id.* § 13(b). The United States has protested this claim (§ 13(b)) as not permitted by UNCLOS. See "Limits in the Seas" at 5.

148 Act No. 6/1996 (Maritime Zones of Maldives Act) § 5.

149 Act No. 6/1996 (Maritime Zones of Maldives Act) § 10.

### 3.2.4 Exclusive Economic Zone

The exclusive economic zone (EEZ) is the maritime area located adjacent to and beyond the territorial sea, together with the seabed, extending up to 200 nm from archipelagic baselines.<sup>150</sup>

Within its EEZ, the Maldives exercises sovereign rights for the purpose of exploring, exploiting, conserving, and managing the natural resources there, whether living or non-living, and with regard to “other activities” for purposes of economic exploitation of the EEZ. The following activities in the EEZ are subject to authorization from the government: economic exploitation of natural resources by persons other than nationals of the Maldives; conduct of scientific research;<sup>151</sup> and construction, operation, or use of an artificial island installation or structure for any of the foregoing purposes.<sup>152</sup> All living, non-living, and naturally occurring resources of value within the Maldives’ EEZ and the seabed vest in the State.<sup>153</sup>

It is prohibited for any foreign fishing vessel to enter the EEZ, except with prior authorisation from the government, in accordance with domestic law.<sup>154</sup>

## 3.3 Local Boundaries

In addition to the national zones discussed in Section 3.2, there are also local boundaries, including tourism boundaries and boundaries within council jurisdiction through decentralisation.

### 3.3.1 Tourism Boundaries

The Tourism Boundary Regulation<sup>155</sup> formulated pursuant to the Tourism Act<sup>156</sup> determines the tourism boundary of an island. In the case where the lease agreement has determined its lagoon boundary, this boundary is considered as the tourism boundary of that island.<sup>157</sup> Where the lease agreement does not establish the tourism boundary for an island leased for tourism, provided that there are no sandbanks or islands within the lagoon of the island and if the lagoon area between the coastal vegetation line and outer reef edge is more than 500 metres, the tourism boundary is 500 metres from the vegetation line of the island.<sup>158</sup> In such cases, should the lessee desire to utilise the lagoon area for tourism development, the Ministry of Tourism may at its discretion determine up to 2000 metres to be the tourism boundary,<sup>159</sup> provided that the lagoon area—or the area that will be utilised for infrastructure development—is at least 500 metres from the coastal vegetation line to the outer reef edge.<sup>160</sup>

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150 Act No. 6/1996 (Maritime Zones of Maldives Act) § 6. Where the claimed 200 nm EEZ overlaps with the EEZ of another State, Maldives law contemplates that such overlap may be resolved through agreement. Act No. 6/1996 (Maritime Zones of Maldives Act) § 7(a). However, should any change to the zoning of these waters be made so as to alter the territory of Maldives, such change must be made under legislation passed by a two-thirds majority of Parliament. *Id.* § 7(b).

151 Scientific research and education are addressed in Section 5.11 of this report.

152 Act No. 6/1996 (Maritime Zones of Maldives Act) § 9.

153 Const. art. 248(b).

154 Act No. 6/1996 (Maritime Zones of Maldives Act) §14. A widely used English language translation of the Act refers here to foreign vessels generally, a claim that the United States has protested as not permitted by UNCLOS. See “Limits in the Seas” at 7. The authors understand, however, that the provision is meant to cover only foreign fishing vessels. Relatedly, pursuant to the Maldives Penal Code, an unlicensed presence in the EEZ is a Class 2 misdemeanor. Act No. 9/2014 (Maldives Penal Code) § 614(a), (b)(2). Where such presence in the EEZ is for the specific purpose of fishing without licence or authority, the offender commits a Class 1 misdemeanor. *Id.* § 614(a), (b)(1).

155 Reg. No. 2012/R-7 (Regulation for Determining the Lagoon Boundary for Islands Leased for the Development of Tourist Resorts, Tourist Hotels, Tourist Guesthouses and Yacht Harbours).

156 Act No. 2/1999 (Maldives Tourism Act).

157 Second Amendment (Reg. No. 2016/R-94) to Reg. No. 2012/R-7 (Regulation for Determining the Lagoon Boundary for Islands Leased for the Development of Tourist Resorts, Tourist Hotels, Tourist Guesthouses and Yacht Harbours) § 3(a).

158 *Id.* § 3(b).

159 *Id.* § 3(b)(1).

160 *Id.* § 3(b)(1)(i).

Where the lagoon is not within the boundary of the leased island and the lessee wishes to develop tourism in such a lagoon, the Ministry of Tourism—at its discretion and subject to certain conditions—may establish as the tourism boundary in the area between 500 metres to 2000 metres from the coastal vegetation line to the outer reef edge of the island or part of this area with conditions.<sup>161</sup>

However, if the lessee has developed a tourism establishment beyond a distance of 500 metres from the coastal vegetation line to the outer reef edge with permission from the Ministry of Tourism prior to the effectiveness of the Second Amendment to the Tourism Boundary Regulation, these areas shall be considered as areas permitted by the Ministry of Tourism as the tourism boundary.<sup>162</sup>

If the area from the coastal vegetation line of the tourism-leased island to the outer reef edge is less than 500 metres, the area shall be considered as the tourism lagoon boundary.<sup>163</sup>

In the case where an island or a sandbank exists within the same lagoon of the area leased for tourism development, the applicable boundary rules are slightly different. In this regard, if the area between the coastal vegetation line of the tourism-leased island to the outer reef edge and the boundary of the other island, is more than 1000 metres, the tourism lagoon boundary is considered to be up to 500 metres from the coastal vegetation line.<sup>164</sup> However, if the area between the coastal vegetation line of the tourism-leased island to the outer reef edge and the boundary of the other island is less than 1000 metres, the tourism lagoon boundary is equidistant from both islands.<sup>165</sup>

In the case where the area between coastal vegetation line of the tourism-leased island to the outer reef edge is less than 300 metres, or there is another island within the same lagoon (even though this island is an inhabited island within the same lagoon), the Ministry of Tourism shall determine this area as a “no development zone”.<sup>166</sup> Should there be more than one island within the same lagoon, an area with a 100-metre buffer from the island will be a “no development zone”<sup>167</sup> in which any reclamation or tourism activities are prohibited.<sup>168</sup>

The ocean area beyond 300 metres of the determined tourism lagoon boundary is established as an exclusive zone of the tourism resort. It is prohibited to undertake any development or for vessels to anchor or ground in this area.<sup>169</sup>

If the area from the coastal vegetation line of the tourism-leased island to the outer reef edge is less than 600 metres, the tourism lagoon boundary shall be determined as the equidistance from the outer reef of the adjacent island.<sup>170</sup>

### 3.3.2 Boundaries and Jurisdiction through Decentralisation

The Decentralisation Act requires the president to determine the jurisdictional boundaries of each administrative city council and island council.<sup>171</sup> The president also has the discretion to change the boundaries.<sup>172</sup>

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161 *Id.* § 3(b)(2).

162 *Id.* § 3(b)(3).

163 *Id.* § 3(c).

164 *Id.* § 4(a).

165 *Id.* § 4(b).

166 *Id.* § 4(c).

167 *Id.* § 4(d).

168 *Id.* § 4(e).

169 Reg. No. 2012/R-7 (Regulation for Determining the Lagoon Boundary for Islands Leased for the Development of Tourist Resorts, Tourist Hotels, Tourist Guesthouses and Yacht Harbours) § 5.

170 *Id.* § 7.

171 Eighth Amendment (Act No. 24/2019) to Act No. 7/2010 (Decentralisation Act) § 56-1(a).

172 *Id.* § 56-1(e).

As such, the general rule for determining the jurisdictional boundaries of councils is that the jurisdictional boundary is 700 metres from the reef edge.<sup>173</sup> In the case where another island is within the boundary, the boundary is determined by equidistance.<sup>174</sup> If the distance between two inhabited islands is less than 1400 metres, the jurisdictional boundary would be equidistant between the islands.<sup>175</sup>

Where a tourism-leased island or an industrial island lies within 700 metres of the jurisdictional boundary of a council, the area within the jurisdictional boundary of the council excludes the tourism-leased island or the industrial island.<sup>176</sup>

If an uninhabited island or a sandbank is within the same lagoon or otherwise of the jurisdictional boundary of the council, the uninhabited island and the sandbank will also be part of the jurisdictional boundary of the council.<sup>177</sup> If an uninhabited island falls within the boundary of two councils, the jurisdictional boundary must be determined separately.<sup>178</sup>

The jurisdictional boundaries of city councils are determined after the jurisdictional boundaries of the island councils have been determined.<sup>179</sup> However, a city council's jurisdiction may cover multiple or even many islands.<sup>180</sup>

### 3.4 Claim for Extended Continental Shelf

In 2010, the Maldives submitted to the Commission on the Limits of the Continental Shelf (CLCS), in accordance with Article 76 of UNCLOS, information on the limits of the continental shelf beyond 200 nm from baselines.<sup>181</sup> See **Figure 6**. The continental shelf is divided into two areas, which the Maldives describes in its CLCS submissions as the Western Area and the Eastern Area.

That same year, the United Kingdom (UK), on behalf of the British Indian Ocean Territory (which comprises the Chagos Archipelago), promptly responded that the Maldives' submission failed to take full account of the 200 nm Fisheries and Environment Zones of the British Indian Ocean Territory.<sup>182</sup>

For its part, Mauritius reiterated its sovereignty over the Chagos Archipelago and corresponding non-recognition of the British Indian Ocean Territory, thus urging that the UK's note be disregarded. Mauritius formally protested the extended continental shelf submission of the Maldives, insofar as that claim would encroach upon Mauritius' claimed EEZ.<sup>183</sup> (Mauritius' territorial dispute with the UK and the Maldives is discussed further in Section 3.5.2 of this report.) Ten years later in 2020, India observed only that the Maldives' submission is understood to be without prejudice to continental shelf areas to which India is entitled, presently or in the future.<sup>184</sup>

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173 *Id.* § 56-1(b)(1).

174 *Id.* § 56-1(b)(2).

175 *Id.* § 56-1(b)(3).

176 *Id.* § 56-1(b)(4).

177 *Id.* § 56-1(b)(5), (6).

178 *Id.* § 56-1(b)(7).

179 *Id.* § 56-1(c).

180 *Id.* § 56-1(d).

181 See Maldives, Submission by the Republic of Maldives to the Commission on the Limits of the Continental Shelf (Executive Summary), MAL-ES-DOC, July 2010 & [https://www.un.org/depts/los/clcs\\_new/submissions\\_files/submission\\_mdv\\_53\\_2010.htm](https://www.un.org/depts/los/clcs_new/submissions_files/submission_mdv_53_2010.htm) (collecting materials).

The Maldives noted that an area of continental shelf included in its submission may be affected by a potential delimitation with Sri Lanka where the continental shelf determined by the Maldives overlaps with small portions of the area that forms part of a 2009 Sri Lankan submission. Executive Summary at 5-5 to 5-7.

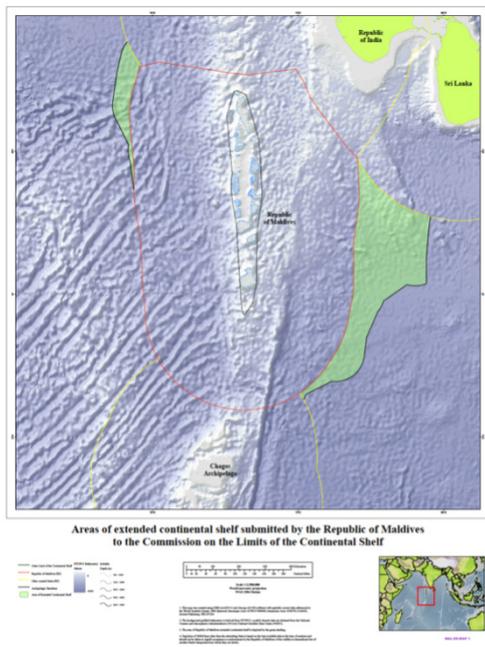
182 Note verbale no. 171/10, August 9, 2010. A draft agreement on the boundary between the Maldives EEZ and the British Indian Ocean Territory Fishery Zone had been agreed to at a technical level in 1992, but it was never signed. In 2010, the UK designated a marine protected area around the Territory that encompasses the archipelago's EEZ and territorial waters and renders the waters of the Territory no-take with respect to commercial fishing. BIICL, Report on the Obligations of States under Articles 74(3) and 83(3) of UNCLOS in respect of Undelimited Maritime Areas (2016), at 91 to 92.

183 Note verbale no. 10877/10, October 29, 2010; note verbale 11031/11, March 24, 2011.

184 Note verbale no. NY/PM/443/8/2020, November 17, 2020.

The Maldives' extended continental shelf submission has yet to be examined by the CLCS, and thus no recommendations have been made by the CLCS in this regard in response to the Maldives' submission.<sup>185</sup>

**Figure 6.** Areas of Extended Continental Shelf submitted by the Maldives to the CLCS.



### 3.5 Maritime Boundary Delimitations

The EEZ of the Maldives borders the high seas to the west and to the east and southeast. The Maldives shares an EEZ boundary with India and Sri Lanka to the north and northwest, and with the UK, with respect to the British Indian Ocean Territory (i.e., the Chagos Archipelago), to the south. Mauritius and the UK are in the midst of a longstanding territorial dispute with respect to the Chagos Archipelago, which has in recent years drawn in the Maldives.

#### 3.5.1 India and Sri Lanka

In 1976, the Maldives, India, and Sri Lanka entered into an agreement fixing a “trijunction point” in the sea that is equidistant from the nearest points on the coasts of each of the three nations.<sup>186</sup> Later that year, the Maldives and India signed an agreement establishing a maritime boundary between the two nations.<sup>187</sup> The boundary closely approximates a line of equidistance.

#### 3.5.2 United Kingdom (British Indian Ocean Territory) and Mauritius

To the south of the Maldives lies the British Indian Ocean Territory (BIOT). Established in 1965, the BIOT is a British Overseas Territory with no permanent civilian population. The Territory comprises a group of islands known as the Chagos Archipelago. Since at least 1980, the nation of Mauritius has contested the

<sup>185</sup> See Maldives, “Information and examples of State practice on ‘Sea-level rise in relation to international law,’” December 31, 2019, at 7 to 8. UNCLOS provides that the CLCS is to make recommendations to coastal states on matters related to the establishment of the outer limits of their continental shelf, with the limits established by a coastal state on the basis of such recommendations being final and binding. UNCLOS art. 76 § 8.

<sup>186</sup> Agreement between Sri Lanka, India, and Maldives concerning the Determination of the Trijunction Point between the three Countries in the Gulf of Mannar 23, 24 and 31 July 1976.

<sup>187</sup> Agreement Between India and Maldives on Maritime Boundary in the Arabian Sea and Related Matters, December 28, 1976. The agreement took effect on June 8, 1978. See also “Limits in the Seas” at 7.

UK's sovereignty over the Chagos Archipelago.<sup>188</sup> And in 2010 as noted above, the UK declared a vast no-take marine protected area (MPA) in BIOT waters.<sup>189</sup>

In 2015, following arbitral proceedings instituted by Mauritius against the UK, the BIOT MPA was the subject of an award by an Arbitral Tribunal constituted under Annex VII to UNCLOS. The Tribunal concluded that the establishment of the MPA surrounding the Chagos Archipelago was not in accordance with UNCLOS.<sup>190</sup> The UK has characterised the Tribunal's finding as not declaring the MPA illegal, but rather indicating that the UK should have consulted Mauritius more fully about the establishment of the MPA, so as to give due regard to Mauritius' rights. The UK has subsequently stated its intent to resolve the matter through bilateral consultations.<sup>191</sup>

This persistent dispute between Mauritius and the UK has drawn in the Maldives.<sup>192</sup> In 2019, Mauritius instituted arbitral proceedings against the Maldives pursuant to Annex VII to UNCLOS to address its dispute over the delimitation of the maritime boundary with the Maldives.<sup>193</sup> Specifically at issue are the shared EEZ maritime boundaries and the Maldives' 2010 extended continental shelf submission. The parties agreed to submit the dispute to a Special Chamber of the International Tribunal for the Law of the Sea (ITLOS), and the Tribunal agreed. The Maldives raised five preliminary objections to the jurisdiction of the Special Chamber and the admissibility of Mauritius' claims, arguing in significant part that Mauritius was inappropriately seeking to use the ITLOS forum to litigate its dispute with the UK as to sovereignty over the Chagos Archipelago—with the UK notably absent from the proceedings.

In January 2021, the Special Chamber issued a lengthy written judgment rejecting each of the Maldives' preliminary objections and finding that it had jurisdiction to adjudicate upon the dispute submitted to it by the parties concerning the delimitation of their maritime boundary.<sup>194</sup> The ITLOS proceedings are ongoing.

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188 A complete discussion of this complex dispute is beyond the scope of the present report.

189 See <https://biot.gov.io/environment/marine-protected-area/>.

190 In re Chagos Marine Protected Area Arbitration, No. 2011-03 at 215 (PCA March 18, 2015).

191 See <https://biot.gov.io/environment/marine-protected-area/>.

192 As noted, *supra*, the Maldives' 2010 submissions regarding an extended continental shelf triggered objections from Mauritius.

193 Materials for the case (ITLOS No. 128) are available at: <https://www.itlos.org/cases/list-of-cases/case-no-28/case-no-28-preliminary-objections/>.

194 Case No. 28, Dispute Concerning Delimitation of the Maritime Boundary Between Mauritius and Maldives in the Indian Ocean at 98-99 (ITLOS Jan. 28, 2021) (judgment on prelim. objections). Certain other jurisdictional matters were set aside for later consideration during the proceedings on the merits. *Id.* at 99 to 100. The ruling contains a detailed factual and procedural history of the dispute among Mauritius, the UK, and the Maldives.

For more information on this matter, see ITLOS Press Release No. 313, January 28, 2021, at [https://www.itlos.org/fileadmin/itlos/documents/press\\_releases\\_english/PR\\_313\\_EN.pdf](https://www.itlos.org/fileadmin/itlos/documents/press_releases_english/PR_313_EN.pdf).

# 4 CROSS-CUTTING LEGAL FRAMEWORKS AND ISSUES AFFECTING THE MARINE ENVIRONMENT

## 4.1 Land Use and Planning

Land use and planning are governed by the Land Act of Maldives, as amended.<sup>195</sup> Policies concerning Maldivian land are decided by the president on the advice of the Cabinet.<sup>196</sup> The Ministry of National Planning, Housing, and Infrastructure (MNPHI) administers the Act. MNPHI is mandated with the task of establishing guidelines for maintaining a land registry and all other such guidelines and regulations where and as needed. The actual task of maintaining the land records and establishing a national land registry lies with the Maldives Land and Survey Authority (MLSA), which is governed under MNPHI.<sup>197</sup> Land may be allocated for various defined uses, one of which is environmental protection.<sup>198</sup>

Excavating, selling, or transferring soil or coral from state dwellings or private dwellings can only be done in Malé with the approval of the Malé City Council, and on any other island with the approval of its respective island council.<sup>199</sup>

Presently, MNPHI is mandated with the responsibility of issuing regulations under the Act.<sup>200</sup> Regulations have been issued governing policy standards, as well as planning standards in force for land use planning for each individual island.<sup>201</sup>

In addition to the Land Act, the Maldives Uninhabited Islands Act<sup>202</sup> contains provisions related to entrusting and leasing land,<sup>203</sup> planting and removing palms and trees,<sup>204</sup> and the taking of sand, stone, and coral,<sup>205</sup> with respect to uninhabited islands.

To date, the general consensus within the government has been that the Land Act and the Maldives Uninhabited Islands Act apply principally, if not exclusively, to the terrestrial areas of the islands and not to marine areas.<sup>206</sup>

Also, as discussed above in Section 2.4 of this report, the various local councils are highly involved in planning and land use activities. Under the Decentralisation Act, as amended, the respective local councils are responsible for establishing land use plans and development plans at island levels.

New built environment and planning legislation has been submitted to Parliament, and revisions to the Land Use Planning Regulation are underway that would extend the regulatory scope to include adjacent ecosystems, including coral reefs, seagrass meadows, and lagoons.<sup>207</sup> The Maldives has also developed

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195 Act No. 1/2002 (Land Act of Maldives). The Act governs the allocation of Maldivian land for different purposes and uses and other issues regarding the issuing of land, issuing of state dwellings for residential purposes, conduct regarding state dwellings or private dwellings constructed for residential purposes, and the sale, transfer, and lease of Maldivian land. *Id.* § 1(a).

196 Act No. 1/2002 (Land Act of Maldives) § 3(a).

197 See Act No. 1/2002 (Land Act of Maldives) § 6(a). Additionally, local councils maintain land registries pursuant to the Decentralisation Act. Act No. 7/2010 (Decentralisation Act) §§ 23(a)(11) & 40(a)(11).

198 Others are for residential purposes, commercial use, social use, and government use. Act No. 1/2002 (Land Act of Maldives) § 4. The Act does not include a definition of the term “land.”

199 Act No. 1/2002 (Land Act of Maldives) § 40.

200 Act No. 1/2002 (Land Act of Maldives) § 42 (providing that the president—or other parties delegated by the president—may issue regulations under the Act).

201 Notes of governmental interviews on file with the authors.

202 Act No. 20/1998 (Maldives Uninhabited Islands Act).

203 With the exception of leasing for tourism purposes.

204 Act No. 20/1998 (Maldives Uninhabited Islands Act) § 7.

205 Act No. 20/1998 (Maldives Uninhabited Islands Act) § 8.

206 Notes of governmental interviews on file with the authors.

207 Additionally, new legislation is being formulated to better integrate agricultural statistical data collection. MoFMRA is also reviewing and revising guidelines on land allocation and mapping of arable land.

a draft National Spatial Plan 2020-2040 that has not, to date, been formally endorsed or rolled out.<sup>208</sup> A national planning bill is also being drafted at this time.

Additionally, a new regulatory framework for designating green areas on reclaimed land and islands is being planned to improve quality of life and as a climate change mitigation and adaptation measure.

## 4.2 Environmental Impact Assessment

Pursuant to the Environment Protection and Preservation Act of Maldives, an environmental impact assessment (EIA) must be submitted to and approved by the Environmental Protection Agency (EPA) prior to the implementation of any project that may have a potential impact on the terrestrial or marine environment.<sup>209</sup> The Act broadly defines the terms “project”<sup>210</sup> and “environment.”<sup>211</sup> The Ministry is authorised to formulate appropriate EIA guidelines and otherwise provides for the nature of the required assessment.<sup>212</sup>

EIA procedures are governed by the Preparation of the EIA Report Regulation, as amended.<sup>213</sup> During the project planning process, consideration must be given to factors such as fauna and flora, and the living components of the environment; soil, water, air, climate, the landscape, and the non-living components of the environment, and its interaction, material assets, and cultural heritage; and impacts on the project from the environment. Human interactions must also be considered. The Regulation includes a list of project types that require an EIA.<sup>214</sup> This is subject to a screening process in the event that a development project is not listed in the schedules.

EIA reports are prepared by EIA consultants, who are required to be licenced by the EPA. Once an EIA report is prepared by the EIA consultant, it is then reviewed by two licenced reviewers. Based on the review, a decision statement (DS) is issued, determining approval, rejection, or the requirement for additional information. The EIA process is outlined below in [Figure 7](#).

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208 The National Spatial Plan (NSP) is an initiative undertaken by MNPPI to better realise regional development. If endorsed and implemented, it would seek to align national policies, plans, and programmes through a twenty-year strategic framework. The authors are not aware that the draft NSP would include formal marine spatial planning.

209 Act No. 4/1993 (Environment Protection and Preservation Act of Maldives) § 5(a). The Act refers to the Ministry of Environment but this authority has been delegated to the EPA. This legislation followed on recommendations for an EIA system as contained in the first National Environmental Action Plan (NEAP I), issued in 1990 with assistance from the UN Environment Programme (UNEP).

210 Act No. 4/1993 (Environment Protection and Preservation Act of Maldives) § 11(b).

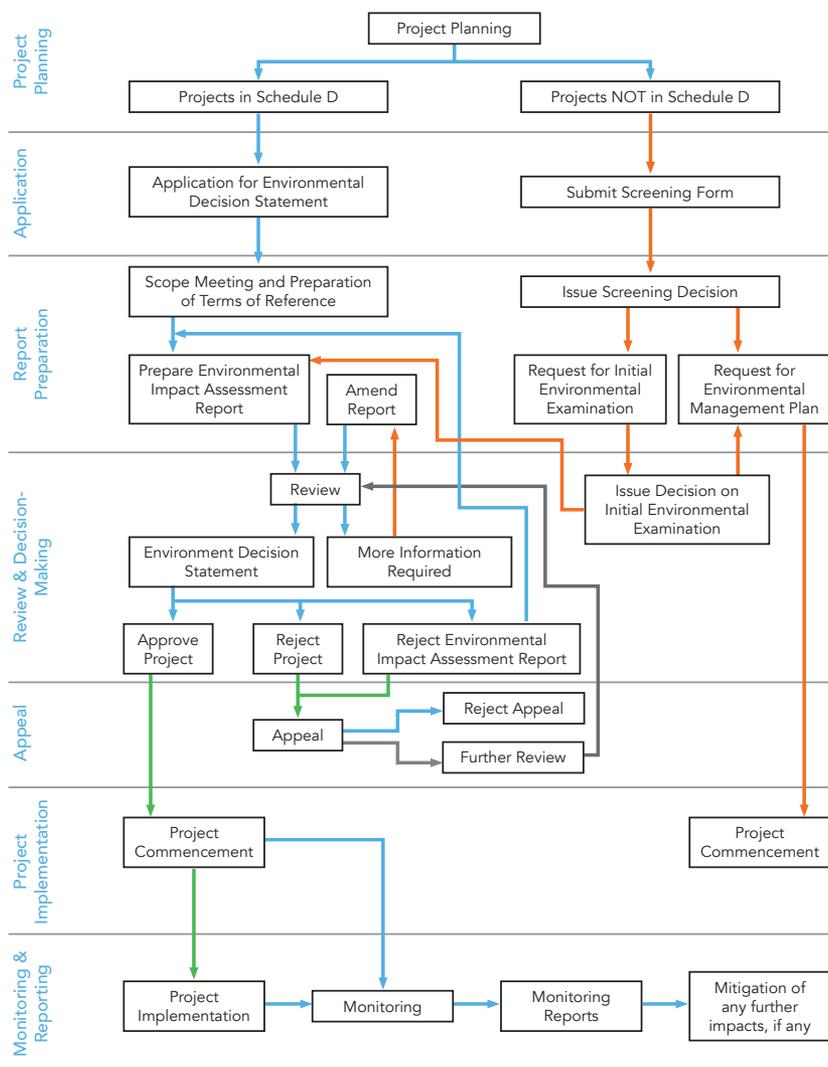
211 Act No. 4/1993 (Environment Protection and Preservation Act of Maldives) § 11(a).

212 Act No. 4/1993 (Environment Protection and Preservation Act of Maldives) § 5(b).

213 Reg. No. 2012/R-27 (Preparation of the EIA Report Regulation). This regulation has been amended five times and, as of the time of publication of this report, was pending further revision. EIAs date to the mid-1990s in the Maldives. In December 1994, a set of administrative procedures for EIAs was written and agreed upon by the cabinet. However, these procedures were not formally used due to the lack of enforcement and administrative weakness. A decade after the initial administrative procedures for EIAs were written, two key documents, the General EIA Guideline and the Environmental Impact Assessment Regulations, were mandated to act as regulatory tools for the EIA process. The authors understand that the Ministry of Environment, Climate Change, and Technology is presently developing new draft regulations for strategic environmental assessments.

214 Reg. No. 2012/R-27 (Preparation of the EIA Report Regulation) at sched. D.

**Figure 7.** The Process for Environmental Impact Assessment.



Notably, the environmental legislation that provides for an EIA authorises the Ministry “to terminate any project that may have an undesirable impact on the environment”—and to do so with no compensation.<sup>215</sup>

### 4.3 Tourism and Tourist Resorts

The primary law governing the operation of the tourism industry is the Maldives Tourism Act.<sup>216</sup> The Act’s terms provide for the determination of zones and islands for the development of tourism in the Maldives; the leasing of islands for development as tourist resorts, the leasing of land for development as tourist hotels and tourist guesthouses, the leasing of places for development as marinas and the management of all such facilities; and the operation of tourist vessels, diving centres, and travel agencies and the regulation of persons providing such services.<sup>217</sup>

215 Act No. 4/1993 (Environment Protection and Preservation Act of Maldives) § 6.

216 Act No. 2/1999 (Maldives Tourism Act). To date, the Act has been amended ten times. The most recent amendment in 2020 vests the president with the powers to allocate islands for the development of: tourist resorts; integrated tourism development; tourism-related real estate projects; tourist hotels and guest houses; yacht marinas; and other tourism-related projects. Further, the Act does not restrict the powers of local councils to allocate areas for tourism development projects. Island councils retain the authority to do so on inhabited islands or in cities that lie under their administrative jurisdiction, under the provisions of the Decentralisation Act and in accordance with approved land use plans.

217 Act No. 2/1999 (Maldives Tourism Act) § 1(a). The Tourism Act and its regulations also establish certain local boundaries, as discussed in Section 3.3.1 of this report.

Pursuant to the Act, felling coconut palms and trees on an island or land leased for development as a tourist resort, dredging of the lagoon of such an island, land reclamation, or any other activity determined by the Ministry of Tourism as being likely to cause a permanent change to the natural environment of such places, may only be carried out after obtaining written permission from that Ministry and in accordance with relevant regulations.<sup>218</sup> An application for such permission must contain: (1) evidence that the proposed change is fundamental for the provision of services from such a place; and (2) an EIA report submitted to and approved by the Ministry of Environment, Climate Change, and Technology.<sup>219</sup>

Five-year licences are required to operate tourist resorts, tourist hotels, tourist guesthouses, marinas, tourist vessels, diving centres, and travel agencies. Other licences are issued for the period stated in regulations made by the Ministry.<sup>220</sup>

By regulation, numerous prohibitions apply to activities that could impact protected species and protected areas.<sup>221</sup> It is prohibited to anchor any vessel in a protected area; if buoys are placed in a protected area, those must be used for anchoring vessels.<sup>222</sup> There are also provisions governing waste management and sewage.<sup>223</sup> In taking tourists to diving areas, no harm should be caused to the marine flora and fauna of the Maldives and no item shall be extracted or removed from such places.<sup>224</sup>

If any provision of the regulation is contravened by any tourist resort, picnic island, marina, hotel, guest house, or tourist vessel, the violator is liable to a fine, taking into consideration the seriousness of the non-compliance, of between 1,000.00 and 10,000.00 Maldivian rufiyaa (MVR) in the first instance. Parties repeatedly in non-compliance are liable to a fine of between MVR 50,000.00 and MVR 100,000.00. If non-compliance with a provision occurs more than once, the Ministry reserves the right to revoke the licence.<sup>225</sup>

In recent years, the Maldivian tourist sector has been moving toward a new thematic paradigm of “integrated tourist resort development.”<sup>226</sup> The Maldives Integrated Tourism Development Corporation (MITDC) operates as a Maldivian state-owned enterprise with a mandate to support and foster the development and growth of the mid-market segment of the tourism industry. Its primary goal is to bring economic growth by expanding the tourism sector through the systematic and planned development of integrated tourism.<sup>227</sup>

## 4.4 Public Consultation

Public participation has become an increasingly vital component of natural resource management in the Maldives, as it links the state and the public in decision-making processes. Despite a lack of strict requirements for public consultation, it is embedded in the formulation of laws, regulations, and decision-making through various processes and stages. Public consultation techniques and methods in the Maldives often include community meetings, individual interviews, focus group meetings, workshops, informational brochures, surveys, and advisory committees.

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218 Act No. 2/1999 (Maldives Tourism Act) § 15(a).

219 *Id.* § 15(b). The EIA requirement, which is further elaborated on by regulation, must be carried out in accordance with Act No. 4/1993 (Environment Protection and Preservation Act of Maldives). See 2006 Regulation on the Protection and Conservation of Environment in the Tourism Industry § 2. See also Section 4.2 of this report, addressing EIAs.

220 Act No. 2/1999 (Maldives Tourism Act) § 42. See also *id.* §§ 22 to 24 (governing the licensing of tourist vessels).

221 Regulation on the Protection and Conservation of Environment in the Tourism Industry (2006) § 3. See also Section 5.1.1 (Protected Areas) and 5.1.2 (Protection of Flora and Fauna) of this report.

222 Regulation on the Protection and Conservation of Environment in the Tourism Industry (2006) § 3.4.

223 *Id.* § 5.

224 *Id.* § 3.7.

225 *Id.* § 8.1.

226 Notes of governmental interviews on file with the authors.

227 See <http://mitdc.com.mv/aboutus>. In contrast to the prevailing “one island/one resort” concept whereby a single resort operator provides all guest services, the Maldives now seeks to involve multiple business operators to provide various services such as guesthouses, community centres, spas, restaurants, water sports, and theme parks. This promotes involvement by and revenue for local businesses. *Id.*

Certain laws and regulations contain express public consultation requirements. Most notably, the Environment Protection and Preservation Act provides that policies and regulations on environmental protection need to be formulated in consultation with the relevant authorities.<sup>228</sup>

EIA procedures are also highly participatory. The EIA process as outlined by regulation provides step-by-step guidance for proponents, consultants, government agencies, and the general public as to development proposals; and once an EIA report is prepared, it is made available for public comment.<sup>229</sup> In addition, in the decision statement (DS) issued by the EPA, it is a requirement to consider comments received from the general public for the EIA report under review.<sup>230</sup> In the case where the EIA report requires the project proponent to conduct public consultation, provided that some projects may be sufficiently controversial or complex, it may require further public input before a DS can be issued. In such instances the proponent is notified and asked to arrange and pay for a public meeting or meetings at a location determined by the EPA.<sup>231</sup>

## 4.5 Public Finance & Enabling Environment for Blue Economy Planning

Public finance in the Maldives refers to the system under which financial resources are planned, directed, controlled, and reported to enable the efficient and effective delivery of public services by government institutions.

The Public Finance Act governs the institutional and regulatory framework for managing public funds.<sup>232</sup> The Act addresses financial rules and limitations, government budgeting, and the administration of public funds. The primary rules are further detailed in the Public Finance Regulation,<sup>233</sup> which addresses government budgeting, expenditure, aid, loans, sources of financing, debt, revenue, assets, procurement methodologies, and financial auditing of the State.<sup>234</sup>

The four types of public funds identified by the Public Finance Act are the consolidated revenue fund, the loan and capital works fund, the advance fund, and trust funds.<sup>235</sup> Trust funds, which may be created only by written approval of the Finance Minister,<sup>236</sup> consist of funds subject to inclusion of interest suspense account, any trust accounts formulated pursuant to a law,<sup>237</sup> and the following:

- trust accounts formulated for the specific purpose of expenses approved by the budget by the government;
- funds for safe keeping of funds of non-governmental entities by the government;
- funds obtained through grant, aid, or gift kept temporarily with conditions;
- funds received by the State, kept temporarily until the purpose of those funds are determined;
- funds dedicated to a special purpose in a trust account, which has been approved by the State budget; and
- funds received by the State for a special purpose in a trust account.<sup>238</sup>

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228 First Amendment (Act No. 12/2014) to Act No. 4/1993 (Environment Protection and Preservation Act of Maldives) § 3.

229 Reg. No. 2012/R-27 (Preparation of the EIA Report Regulation) §§ 7(d) & 13(d).

230 *Id.* § 13(e).

231 *Id.* § 13(g).

232 Act No. 3/2006 (Public Finance Act).

233 Reg. No. 2017/ R-20 (Public Finance Regulation).

234 The government uses Public Accounting System (PAS) and System Application Product (SAP) to facilitate all stages of financial management from planning, setting the budget framework, and reporting, to reviewing the outcome of the budget.

235 Act No. 3/2006 (Public Finance Act) § 18(a).

236 *Id.* § 25(c).

237 *Id.* § 25(a).

238 *Id.* § 25(b).

A trust statement<sup>239</sup> is required for every formulated trust account, and shall be prepared in accordance with the Public Finance Act.<sup>240</sup> The rules governing trust accounts include that funds are to be spent<sup>241</sup> and received<sup>242</sup> only in accordance with the trust statement. In addition, the following requirements must be met to disburse any funds:

- the formulation of the trust fund is pursuant to an act, subject to that trust statement;
- the formulation of the trust fund is pursuant to an interest suspense account, subject to the trust statement of the interest suspense account; or
- if the formulation of the trust fund is pursuant to another trust account, subject to the respective trust statement.

The Minister of Finance may close the trust if the trust fund is deemed not to fulfil its objective.<sup>243</sup>

A key trust fund in the Maldives is the Green Fund, which sources its revenue from the green tax<sup>244</sup> that is levied on tourists who stay at resorts, hotels, and guesthouses, and in tourist vessels such as safari boats. According to the fund statement, monies may be dispersed for environmental protection and conservation, awareness and training, climate change mitigation, and environmental emergencies, as well as investments pertaining to the Green Fund.<sup>245</sup>

The national budget outlines the fiscal policy of the government for a specific period,<sup>246</sup> and includes estimates of revenues, expenditures, and borrowing. In accordance with the Public Finance Act,<sup>247</sup> the Ministry of Finance is responsible for preparing and submitting the national budget to Parliament each fiscal year.<sup>248</sup>

Treasury activities are another key function of public finance. They include managing cash flows, raising funds, investing available funding, executing payments and sanctions, and disbursement of government loans pursuant to the Public Finance Act and the Public Finance Regulation.

Fiscal policy is governed by the Fiscal Responsibility Act.<sup>249</sup> The Act requires the government to submit a "Statement of Fiscal Strategy"<sup>250</sup> and a "Medium-term Debt Management Strategy"<sup>251</sup> in addition to a "Budget Position Report"<sup>252</sup> to Parliament every year, after the national budget for the following year is presented to Parliament. The Ministry of Finance is responsible for contracting or raising financing for the government deficit, and for issuing government securities to ensure financing of government debt. Generally, the Government has established procedures for the issuance of GOM debt and reviews it

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239 Trust statements are the primary document signed by the Minister of Finance and include details such as trust account name, purpose, type, and amount of funds that would be received by the fund; expenses allowed; the responsible body to manage the fund; and any details required in accordance the Public Finance Act. It is prohibited to receive funds in contradiction to the trust statement. Act No. 3/2006 (Public Finance Act) § 26(c).

240 Act No. 3/2006 (Public Finance Act) § 26.

241 *Id.* § 28(a).

242 *Id.* § 27.

243 *Id.* § 29.

244 The green tax imposes a 3 US dollar (USD) charge per tourist at local guest houses and a 6 USD charge per head at other tourist service providers. Sixth Amendment (Act No. 42/2014) & Eighth Amendment (Act No. 13/2016) to Act No. 2/1999 (Tourism Act).

245 Annex 1, Trust Statement of Green Fund, 2019.

246 January 1 to December 31.

247 Act No. 3/2006 (Public Finance Act) § 32.

248 The approved budget for 2021 is MVR 34.9 billion, of which total expenditure is MVR 33.4 billion. This includes 62.0% as recurrent expenditure and 38.0% as capital expenditure. The approved budget deficit for 2021 is MVR 12.3 billion. This is 18.5% of GDP. See <https://www.budget.gov.mv>.

249 Act No. 7/2013 (Fiscal Responsibility Act).

250 The "Statement of Fiscal Strategy" sets out the medium-term fiscal framework and annual expenditure ceilings that are consistent with achieving the fiscal objectives. Act No. 7/2013 (Fiscal Responsibility Act) §§ 10 to 13.

251 This provides information regarding the steps being taken by the government to repay and maintain the national debt in a sustainable and efficient manner. Act No. 7/2013 (Fiscal Responsibility Act) §§ 19 to 22.

252 Act No. 7/2013 (Fiscal Responsibility Act) §§ 14 to 18.

regularly to ensure that it meets international standards. The Maldives Monetary Authority (MMA)<sup>253</sup> acts as the government's agent for the issuance and management of domestic government securities.<sup>254</sup>

The licensing and operation of banks in the Maldives are governed by the Maldives Banking Act.<sup>255</sup>

To further economic development, Maldivian law provides for the use of certain special economic zones (SEZs). The Special Economic Zones Act provides for the designation, creation, and management of such zones to incentivise investment and development.<sup>256</sup> As set forth in **Table 4**, the Act defines eight categories of SEZs, various of which are pertinent to the development of the blue economy.<sup>257</sup> Although regulations have been adopted under the Act, the Act has not yet, as a practical matter, been implemented in the Maldives.

**Table 4. Special Economic Zones of the Maldives.**

SEZ Name	Section of the Act	SEZ Description
Industrial Estate	Section 10	A zone under unified management for which the land is divided into parcels; has common infrastructure to carry out different types of industrial activity or common utilities designed to be shared by all investors in the zone.
Export Processing Zone	Section 11	A zone targeted at the export of local goods or goods manufactured using local or imported items; offers special facilities for manufacturing and related activities aimed at export to foreign markets.
Free Trade Zone	Section 12	A fenced-in zone situated next to an airport or seaport; aimed at export; offers transshipment, storage, warehousing, repacking, value addition, or re-export operations.
Enterprise Zone	Section 13	A distressed area designated for economic revitalization; aimed at promoting specific forms of investment or production through tax concessions, financial grants, or other special incentives to those setting up businesses in that area.
Free Port	Section 14	An island or geographical area aimed at tourism, retail trade, on-site, or residential and related utilities infrastructure and services; entitled to incentives.
Single Factory Export Processing Zone	Section 15	An industry or trade earmarked for development in the Maldives; promotion of such trade or industry through grant of incentives to those engaged in it; aimed at export of their products.
Centre Providing Offshore Financial Services	Section 16	Each or all of the financial services stated below; established in a zone as an offshore financial service provided under a licence; not ordinarily provided to residents; attracts incentives permitted to be given under this Act including banking, security, insurance, finance leasing services, and collective investment schemes authorised by the Capital Market Development Authority.
High Technology Park	Section 17	A zone exclusively earmarked for developing or enhancing modern technology and technological innovations and use of or promotion of such technology in academic work, research, education, or trade to improve quality and standard of life.

## 4.6 Climate Change

The islands of the Maldives have an average elevation of 1.5 metres above sea level, making it especially vulnerable to sea-level rise, high wave incidents, and increased erosion. Airports, harbours, telecommunications networks, and tourism infrastructure are necessarily located near coastlines. Given that coral reefs are highly sensitive to changes in the temperature, some species of coral live at or are near their thermal limits. Historical bleaching events reflect the effects of warming oceans on coral reefs.

253 The MMA is established pursuant to Act No. 6/1981 (Maldives Monetary Authority Act). The MMA maintains price stability in a manner that facilitates sustainable economic development.

254 Act No. 6/1981 (Maldives Monetary Authority Act).

255 Act No. 24/2010 (Maldives Banking Act) § 1(a). The banking legislation is implemented and elaborated on through an extensive regulatory framework.

256 Act No. 24/2014 (Special Economic Zones Act) § 1(a).

257 *Id.* § 20.

The vulnerability assessment of the National Adaptation Plan for Action<sup>258</sup> identified those areas that are highly vulnerable to climate change impacts as land, beach, and human settlements, critical infrastructure, tourism, fisheries, human health, water resources, and coral reef biodiversity.<sup>259</sup>

The Maldives is on the front lines of international negotiations on climate change, advocating for 1.5 °C, which was an integral part of the Paris Agreement and a policy objective for all Small Island Developing States (SIDS) and vulnerable communities. At the national level, current policies and development strategies have gradually integrated climate change into all sectors of development. Current government policy with respect to climate change is set forth in the Maldives Climate Change Policy Framework (MCCPF).<sup>260</sup>

Developed in 2015, the MCCPF sets forth five broad policy goals:

1. Ensuring and integrating sustainable financing into climate change adaptation opportunities and low emission development measures.
2. Strengthening a low emission development future and ensuring energy security for the Maldives.
3. Strengthening adaptation actions and opportunities and building climate-resilient infrastructure and communities to address current and future vulnerabilities.
4. Inculcating a national, regional, and international climate change advocacy role in leading international negotiations and awareness in cross-sectoral areas in favour of the most vulnerable and small island development states.
5. Fostering sustainable development while ensuring security, economic sustainability, and sovereignty from the negative consequences of the changing climate.<sup>261</sup>

Institutionally, the government seeks to mainstream climate change and sustainable development across sectors and to implement the MCCPF holistically.<sup>262</sup>

The newly enacted Climate Emergency Act establishes the legal and institutional framework and guidelines for addressing climate change in the Maldives; the Act also includes actions to address the climate emergency resulting from the severity of the repercussions from climate change.<sup>263</sup> The Act requires the Minister of MECCT to constitute an office under the Ministry as the Climate Change Directorate, which will lead the Maldives' interests in the international arena with regards to the climate emergency.<sup>264</sup>

The new Act requires the president to appoint a special envoy for climate change and to serve as the Maldives' international advocate against climate change.<sup>265</sup> The special envoy will represent the Maldives globally in creating diplomatic ties, strengthening multilateral relationships in alignment with climate goals, and acquiring foreign aid for projects related to climate change, environmental sustainability, and renewable energy.

The Act also includes a framework for the Maldives' plan to achieve net-zero carbon emissions by 2030.<sup>266</sup> The Minister must submit the subsequent year's national carbon budget to Parliament for approval three months before the end of each year.<sup>267</sup>

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258 Ministry of Environment, Energy and Water, National Adaptation Plan for Action (NAPA), 2007.

259 *Id.*

260 Ministry of Environment and Energy, Maldives Climate Change Policy Framework (August 2015).

261 Climate Change Policy Framework ch. 6 & § 6.1. The goals are presented together with detailed objectives and strategies for meeting these goals.

262 Climate Change Policy Framework ch. 7.

263 Act No. 9/2021 (Climate Emergency Act).

264 *Id.* § 16.

265 *Id.* § 11.

266 *Id.* § 4.

267 *Id.* § 7.

# 5 SECTORAL REGULATION OF ACTIVITIES IN THE MARINE ENVIRONMENT

## 5.1 Conservation

The Maldives enshrines environmental protection—including conservation—in the 2008 Constitution. The State is assigned a fundamental duty to protect and preserve the natural environment, biodiversity, resources, and beauty of the country for the benefit of present and future generations.<sup>268</sup> The State must undertake and promote desirable economic and social goals through ecologically balanced sustainable development. In doing so, the State is required to take measures necessary to foster conservation and to prevent pollution, the extinction of any species, or ecological degradation.<sup>269</sup>

For Maldivian citizens, the exercise and enjoyment of fundamental rights and freedoms are inseparable from the performance of responsibilities and duties. It is the responsibility of every citizen to preserve and protect the natural environment, biodiversity, resources, and beauty of the country, and to abstain from all forms of pollution and ecological degradation.<sup>270</sup>

As the principal environmental legislation of the Maldives, the Environment Protection and Preservation Act further articulates the need to preserve marine areas and their biodiversity:

Since the environment of the Maldives is a valuable heritage that has to be preserved for the coming generations, the Maldivian land, water, vegetations, beaches, lagoons, reefs and similar places apart from these, including seas, atmosphere, and in protecting and preserving the creatures living in these places, excluding those that are harmful and pest to human being, the Maldivian government and citizens should give special attention for sustaining and extending the benefits thereof for it is crucial for the sustainable development of the Maldives.<sup>271</sup>

The Act also charges the Ministry of Environment, Climate Change, and Technology with formulating policies, regulations, and standards in consultation with other relevant authorities to:

- protect biodiversity and access to benefit sharing,
- protect the freshwater lenses of islands,
- protect mangroves,
- ensure protection from waste and hazardous gases, and
- generally, “protect and conserve the environment.”<sup>272</sup>

Additionally, as a Commonwealth member state (the Maldives rejoined in 2020), the Maldives commits to conservation aims pursuant to the Commonwealth Charter.<sup>273</sup> The Maldives further agrees, pursuant to the recent Commonwealth Blue Charter, to actively cooperate to solve ocean-related problems and meet commitments for sustainable ocean development.<sup>274</sup>

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268 Const. art. 22.

269 Const. art. 22.

270 Const. art. 67(h).

271 Act No. 4/1993 (Environment Protection and Preservation Act of Maldives) § 1 (provision reproduced per English translation). Major offences under this legislation, the provisions of which are discussed throughout Sections 5.1 and 5.2 of this report, are enforceable through the imposition of fines up to MVR 100,000,000, but not imprisonment. *Id.* § 9(b). The penalty for minor offences under the Act or its regulations is a fine ranging between MVR 5 and MVR 500, depending on the actual gravity of the offence. *Id.* § 9(a).

272 First Amendment (Act No. 12/2014) to Act No. 4/1993 (Environment Protection and Preservation Act of Maldives) § 3.

273 “We recognise the importance of the protection and conservation of our natural ecosystems and affirm that sustainable management of the natural environment is the key to sustained human development. ...” Charter of the Commonwealth art. X (Protecting the Environment) (2013).

274 The Commonwealth Blue Charter (2018) helps member countries work together on a fair, inclusive, and sustainable approach to ocean protection and economic development. See <https://bluecharter.thecommonwealth.org>.

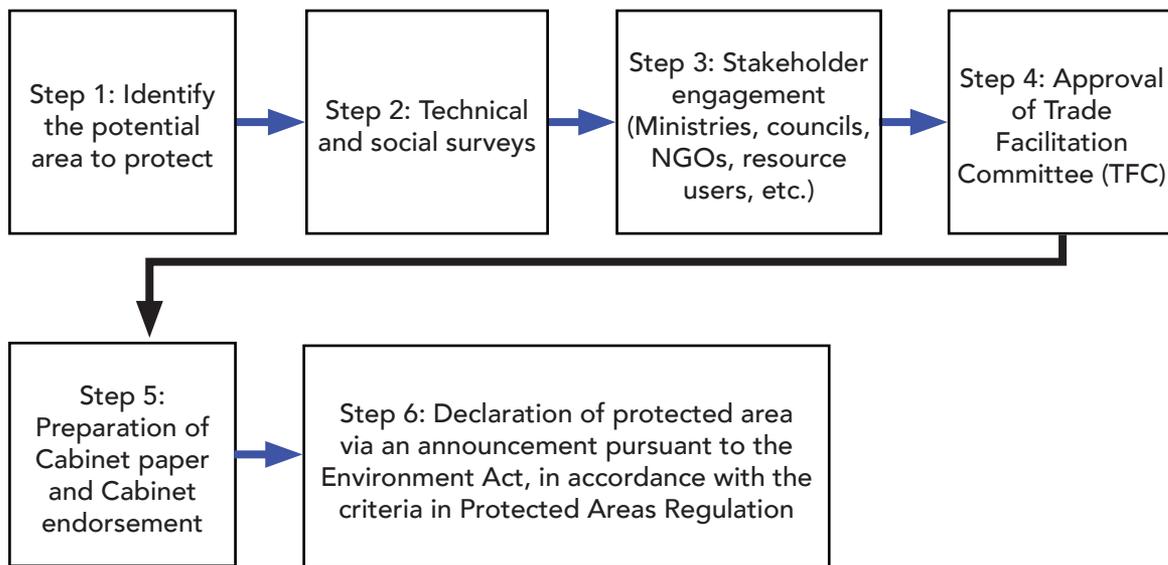
Section 5.1 of this report considers how Maldives law provides for marine conservation, with a dual focus on area-based protections and protections afforded to particular species.

### 5.1.1 Protected Areas

The Environment Protection and Preservation Act is the principal legislation governing protected areas, including both terrestrial and marine protected areas. The Act itself provides little guidance, simply requiring the Ministry of Environment, Climate Change, and Technology to “identify places and things that have to [be] protected,” and to “formulate regulations and enforce them to preserve such in their natural or original form.”<sup>275</sup> Anyone seeking to establish such a place must register with the Ministry, and do so in accordance with the Ministry’s regulations.<sup>276</sup>

A 2018 regulation implementing the Act further provides for the governance of protected areas, including the establishment of guidelines for the declaration and management of such areas.<sup>277</sup> Additionally, three special regulations—including one for a marine protected area—have been issued to establish specific protected areas.<sup>278</sup> **Figure 8** illustrates the process for designating a protected area.

**Figure 8.** Process for Declaring a Protected Area.



Prior to the formulation of the Protected Areas Regulation, protected areas were declared via announcements that included a single Global Positioning System (GPS) point and activities prohibited at the protected area.

275 Act No. 4/1993 (Environment Protection and Preservation Act of Maldives) § 4(a).

276 Act No. 4/1993 (Environment Protection and Preservation Act of Maldives) § 4(b). Although this subsection has never been formally invoked, the public does, as a practical matter, make protected area nominations for the Ministry to consider through its usual process.

277 Reg. No. 2018/R-78 (Protected Areas Regulation). This regulation is presently pending revision.

278 Reg. No. 2012/R-23 (Regulation for Management of Hanifaru Marine Protected Area); Reg. No. 2018/R-105 (Protected Areas of Addu City); & Reg. No. 2018/R-106 (Protected Areas of Fuvahmulah City). The specific areas established pursuant to these special regulations are made subject to detailed management requirements and are thus not subject to the requirements of the main Protected Areas Regulation. The Ministry is in the process of harmonising protected areas governance, and revisions are currently being made to address protected areas in a more holistic manner.

A protected area must now satisfy various criteria, which are included in the declaration announcement for that area by the Ministry:<sup>279</sup>

- name of the protected area;
- area and size, with GPS coordinates;
- zonation details, provided that areas within the protected area have been zoned;
- activities that may be conducted and activities that are prohibited;
- protected area management category; and
- reasons for this protection and environmental significance.<sup>280</sup>

The protected area must be classified with one or more of seven protected area management categories, which in the Maldives largely align with the internationally accepted protected area management categories developed by the International Union for the Conservation of Nature (IUCN). See **Table 5**.

**Table 5. Protected Area Management Categories.**<sup>281</sup>

Category	Title	Description
1	Internationally Recognised Area	An area of significance proposed by the state or recognised by the international community.
2	Strict Nature Reserve	An area protected for its significant biological diversity and for environmental protection. Taking, harming, or removing natural resources is prohibited, except with prior approval of the government; research may be allowed. The objective is to conserve cultural and spiritual values associated with nature and protected species threatened with extinction.
3	Wilderness Area	Usually, a large unmodified or slightly modified area, retaining its natural character and influence, without permanent or significant human habitation, that is protected and managed to preserve its natural condition. Any activity that may negatively affect the environment is prohibited.
4	National Park	A natural area set aside to protect large-scale ecological processes, along with the complement of species and ecosystems characteristic of the area. Also provides a foundation for environmentally and culturally compatible spiritual, scientific, educational, recreational, and visitor opportunities. The objective of protecting the area is to protect natural biodiversity along with its underlying ecological structure and supporting environmental processes, and to promote education and recreation.
5	Natural Monument	An area set aside to protect a specific natural monument, which can be a landform, seamount, submarine cavern, geological feature such as a cave, or even a living feature such as an ancient grove. The objective is to protect specific outstanding natural features and their associated biodiversity and habitats. Activities that will not negatively affect the environment may be conducted.
6	Habitat/Species Managed Area	The area aims to protect particular species or habitats through its management. The area maintains, conserves, and restores species and their habitats. Environmentally friendly economic activities may be carried out.

279 Reg. No. 2018/R-78 (Protected Areas Regulation) § 5.

280 *Id.* § 5(b).

281 *Id.* § 6. Compare with IUCN, “Protected Area Categories,” at <https://www.iucn.org/theme/protected-areas/about/protected-area-categories> (describing IUCN protected area categories I through VI); & IUCN, “Guidelines for applying the IUCN Protected Area Management Categories to Marine Protected Areas”, 2nd edition (2019) at 21 (discussing in detail the IUCN protected area management categories as applied to marine protected areas).

Category	Title	Description
7	Protected Area with Sustainable Use	An area that conserves ecosystems and habitats, together with their associated cultural values and traditional natural resource management systems. The area is large, with most of the area in a natural condition, where a proportion is under sustainable natural resource management and where low-level non-industrial use of natural resources compatible with nature conservation is seen as one of the main aims. The objective is sustainable use of natural resources.

The management of protected areas is also prescribed by regulation. Management plans are required to address all aspects of area management, including for assigning a third party to manage the protected area<sup>282</sup> and for collection of fees.<sup>283</sup> Activities conducted within a protected area are controlled and managed in accordance with management plans,<sup>284</sup> and should activities be allowed at the protected area, further guidelines may be necessary.<sup>285</sup> To date, two protected area management plans have been formulated and implemented in the Maldives.<sup>286</sup>

A current list of Maldivian protected areas appears in [Appendix 3](#) to this report.

In addition to the Environment Protection and Preservation Act, other Maldivian laws provide for certain area-based protections.

Pursuant to the Fisheries Act, seabirds nesting on islands and sandbanks are protected in consultation with the Ministry of Environment, Climate Change, and Technology by formulating an action plan.<sup>287</sup>

The Heritage Act includes a provision for designating protected areas that are historically significant.<sup>288</sup> The Act obliges the National Centre for Cultural Heritage (formerly the Heritage Department) to maintain a database of these sites,<sup>289</sup> and there is a requirement to rank them.<sup>290</sup> In addition, the National Centre for Cultural Heritage, together with local councils, is required to formulate management plans for the sites that are listed and ranked.<sup>291</sup>

Additionally, as discussed above in Section 4.3 of this report, tourist sector regulations contain provisions bearing on protected areas.

### 5.1.2 Protection of Flora and Fauna

The Maldives has no comprehensive legislation for the protection of flora and fauna—either with respect to wildlife management or for the protection of threatened and endangered species. However, relevant sectoral legislation exists, outlining protections at the species or taxa level, and recently issued regulations under existing laws are adding to the robustness of species protections. Additionally, the Maldives is party to conservation multilateral environmental agreements (MEAs)—including CBD, CITES, and CMS—that protect species at the international level.<sup>292</sup>

282 Reg. No. 2018/R-78 (Protected Areas Regulation) § 9.

283 *Id.* § 12(b).

284 *Id.* § 16.

285 *Id.* § 17.

286 These are the Mendhoo Region Management Plan and Baa Atoll Olhugiri Management Plan.

287 Act No. 14/2019 (Fisheries Act of the Maldives) § 14. As discussed *infra*, under § 22 of the Fisheries Act, the Ministry may make regulations to provide for the planning and management of fisheries. This may cover identifying types of protected fish and measures for their protection, including the use of protected areas for the purpose of protecting a certain fish stock for the sustainability of that fishery. This was done, e.g., in a grouper management plan published in December 2020 that identifies five grouper spawning aggregation sites. The authors understand that a regulation to legally protect these sites is forthcoming.

288 Act No. 12/2019 (Heritage Act) § 33.

289 *Id.* § 23(a).

290 *Id.* §§ 23(c), 24(b), 25(c), 26(c), & 27.

291 *Id.* § 37.

292 To date, the Maldives has not formally implemented these treaties through domestic legislation. However, legislation to do so is currently being formulated.

Pursuant to the Maldives' national environmental legislation, the Ministry of Environment, Climate Change, and Technology may, for conservation purposes, identify species for protection.<sup>293</sup> To date, the Ministry has exercised this authority to issue announcements protecting 207 species of birds,<sup>294</sup> five species of sea turtles,<sup>295</sup> rays and skates,<sup>296</sup> and the black tortoise.<sup>297</sup> For a detailed list of species, see [Appendix 4A](#) to this report.

### Sea turtles

The aforementioned action with respect to sea turtles, taken in 2016, resulted in protection of all sea turtle species. As illustrated in [Table 6](#), legal protection for sea turtles in the Maldives dates to the 1970s and has evolved over time.

**Table 6. Evolution of Protections for Sea Turtles in the Maldives.**<sup>298</sup>

Year	Description of Protection
1978	Parliament enacts Bill No. 24/1978 prohibiting the catching of Hawksbill turtles less than 61 centimetres in carapace length.
1979	Parliament enacts Bill No. 31/1979 prohibiting the export of raw Hawksbill turtle shells; export of items from processed hawksbill turtle shells is permissible.
1980	Ministry of Fisheries bans sale and display of turtles below the size limits specified in Bill No. 24/1978.
1995	By presidential decree, killing, fishing and harvesting of all species of turtles is banned for 10 years.
1995	Export of all species of turtles is banned by the then Ministry of Trade.
1995	Importation of sea turtle and sea turtle products is banned.
2006	Ministry of Fisheries, Agriculture, and Marine Resources renews moratorium on turtle killing and harvesting for another 10 years.
2010	Egg harvesting is banned from 14 islands identified as significant nesting sites (HA. Mulidhoo, H.Dh Muiree, H.Dh Vaikaramuraidhoo, R. Furaveri, R. Vandhoo, B. Maamaduvvari, B. Maaddoo, B. Olhugiri, B. Miriyandhoo, Th. Kanimeedhoo, Th. Funadhoo, Th. Kandoodhoo, L. Gaadhoo, & G.Dh Gan).
2015	The Maldives becomes a signatory to the Indian Ocean and South-East Asian Memorandum of Understanding on Marine Turtles (IOSEA-MoU).
2015	By initiative of the Marine Research Centre, a North Indian Ocean-Marine Turtle Task Force (NIO-MTTF) is established. The NIO-MTTF is comprised of country representatives and NGOs from Pakistan, Bangladesh, India, Sri Lanka, and the Maldives.
2016	Protection of all species of marine turtles through Directive No. (IUL) 438-ECAS/438/2016/72 under Environment Protection and Preservation Act of Maldives (Act No. 4/1993).

Additionally, pursuant to the Guideline for Sea Turtle Rehabilitation and Care,<sup>299</sup> conditions must be met for all species of sea turtles held in captivity for research and rescue purposes in the Maldives under a permit issued by the EPA. Conditions are also included for the transport, rehabilitation, and disposition of sea turtles.

293 Act No. 4/1993 (Environment Protection and Preservation Act of Maldives) § 4(a).

294 Directive Nos. 1-96/34 (2 June 1996), 10-C/99/24 (11 July 1999), 10-ERC/2003/20 (22 May 2003), (IUL)438-PPIRS/438/2013/135 (22 August 2013), & (IUL)438-ENV/438/2021/82 (23 March 2021).

295 Directive No. (IUL) 438-ECAS/438/2016/72 (4 April 2016).

296 Directive No. (IUL) 438-ECAS/438/2014/81 (9 June 2014).

297 Directive No. 10-ERC/2003/21 (22 May 2003).

298 Timeline of developments on turtle conservation and management in the Maldives adapted from Ali & Shimal (2016), in Ministry of Energy and Environment, State of the Environment 2016 (2017) at 123.

299 These guidelines, which are presently non-binding, were issued pursuant to the national environmental legislation.

## Sharks

Concerns for the survival of shark species led to a total ban on shark fishing in the Maldives' EEZ in 2010, resulting in the declaration of sharks as protected species.<sup>300</sup> The decision also prohibits retaining of sharks in any fisheries in the entirety of Maldivian waters. See [Table 7](#).

**Table 7. Evolution of Protections for Sharks in the Maldives.<sup>301</sup>**

Year	Description of Protection
1981	Shark fishing prohibited during daytime in tuna fishing areas through Directive No. 48/81/34/MF.
1992	Shark fishing with live bait prohibited in vicinity of tuna schools while other vessels are present and fishing for tuna through Directive No. 16/92/29FA.A1. This replaced Directive No. 48/81/34/MF of 10 Nov 1981.
1995	Declaration of the first marine protected areas (15 dive sites, 9 of them which were well known for reef sharks) through Directive No. E/95/32.
	Ban on fishing for whale sharks through Directive No. FA-A1/29/95/39.
1996	Ban on taking sharks or any type of fish that may be detrimental to pole and line tuna fishing within 3 miles of any fish aggregation device (FAD) through Directive No. FA-A1/29/96/39.
	Long-lining banned in vicinity of seamount between Hahdhunmathi and Huvadhoo Atoll through Directive No. FA-A1/29/96/54.
1998	10-year moratorium on shark fishing within 12 nm of seven (tourism zone) atolls through Directive No. FA-A1/29/98/39.
2009	Ban on shark fishing within 12 nm of any atoll through Directive No. FA-D/29/2009/20.
2010	Ban on shark fishing throughout Maldives effective from 15 March 2010 through Directive No. 30-D2/29/2010/32.

The Protected Species Regulation,<sup>302</sup> which took effect in 2021 and was formulated pursuant to the Environment Protection and Preservation Act, includes specific provisions governing the protection of species.<sup>303</sup> The Regulation, which is implemented by both the Ministry of Environment, Climate Change, and Technology and the EPA, requires species management plans to be formulated by EPA.<sup>304</sup> Special circumstances are identified in which enforcement authorities may kill or destroy a protected species that has been infectious or contagious to prevent harm to the ecosystem.<sup>305</sup> Permits are required for species rehabilitation,<sup>306</sup> research,<sup>307</sup> and certain special circumstances—such as displaying of species or specimens for educational purposes, or use for cultural or heritage preservation.<sup>308</sup>

Enforcement authorities are authorised by the Protected Species Regulation to confiscate illegally obtained protected species. Once confiscated, the species must be released into the wild if it is alive and can survive on its own. If the species is unable to survive on its own, the enforcement authority may hand over the species to a rehabilitation facility for its recovery and subsequent release. The enforcement authority also has the power to kill or destroy the species or specimen if it is infected, is in a state where recovery is impossible, or if captivity may be detrimental to its survival. In doing so, the enforcement authority must consult the EPA and the Ministry of Environment, Climate Change, and Technology, and act in the most humane manner possible.<sup>309</sup>

300 In the 1980s, the shark fishery had been subject to high demand due to export opportunities. This resulted in over-exploitation of reef and nearshore pelagic stocks, leading to a ban on shark fishing in 1995.

301 Timeline of shark protections in the Maldives adapted from Sinan, Adam, & Anderson (2011), in Ministry of Energy and Environment, State of the Environment 2016 (2017) at 121.

302 Reg. No. 2021/R-25 (Protected Species Regulation). Among other things, the Protected Species Regulation repeals Reg. No. 2014/R-169 (Migratory Birds Regulation).

303 Reg. No. 2021/R-25 (Protected Species Regulation). § 6.

304 *Id.* § 9.

305 *Id.* § 10.

306 *Id.* § 15.

307 *Id.* § 12.

308 *Id.* § 11.

309 *Id.* §§ 13 to 14.

The Protected Species Regulation also permits the Ministry of Environment, Climate Change, and Technology to identify and formulate criteria to protect endangered species that are native to the Maldives, or that are migratory.<sup>310</sup> Penalties range up to MVR 100,000,000, for crimes such as capturing, killing, or harming protected endangered species or damaging their habitats.<sup>311</sup>

Presently, guidelines on the protection of locally known threatened species, and on recovery plans and measures for all depleted species, are being formulated for integration into the Protected Species Regulation and specific species management plans.

The new General Fisheries Regulation prohibits the harm, catch, take, use, killing, import, and export of marine species that are listed as protected.<sup>312</sup> These species include cetaceans, berried lobsters (import of non-living lobsters is allowed), lobsters of the genus *Panulirus* with a carapace smaller than 7.6 centimetres in length (measured from the rear of the eye socket to the rear of the carapace on a line parallel to the centreline of the body shell), giant clam, sharks, rays, corals, parrotfishes, napoleon wrasse, sea turtles (and their eggs), black coral, whale sharks, and triton conch.<sup>313</sup> For a detailed list, see [Appendix 4B](#) of this report.

Additionally, as discussed in Section 4.3 of this report, tourist sector regulations also provide for the protection of certain species.

With respect to strengthening efforts on conservation of coral, in 2016, an Interagency Task Force on Coral Bleaching was formed among various ministries and government entities and spearheaded by the (then) Ministry of Fisheries and Agriculture. Other members were the Marine Research Centre (now the MMRI), Ministry of Environment, Climate Change, and Technology, EPA, Ministry of Tourism, and the Coast Guard.

Especially old plants and trees of the Maldives, as further defined below, are protected to reduce the negative impacts of their extinction on the habitat system of the islands, and to help ensure that natural habitats are passed on to future generations. Some of these plants have been used by sailors for many generations as markers to locate the islands.

Pursuant to the Law Governing Plants in Inhabited Islands,<sup>314</sup> the Ministry of Fisheries, Marine Resources, and Agriculture has the power to protect plants that are over 50 years old and plants that are likely to be endangered, and to devise a plan to manage them.<sup>315</sup>

Similar provisions exist in the Protection of Old Trees Regulation, by which protection is afforded to plants between 50 and 100 years old, plants older than 100 years, native plants that are considered near extinction, plants of environmental significance, and plants subject to a community request,<sup>316</sup> with the exemption of plants in residential plots released from private or state properties and plants grown for the purpose of agriculture. Detailed provisions are provided for the management of protected plants.

As such, the regulation prescribes that a circular boundary within two metres outward of the spread of the plant at the time of protection is known to be the boundary of the plant,<sup>317</sup> and in this regard it is prohibited to do anything that may cause harm to a protected plant within its boundary.<sup>318</sup> Additionally, it is prohibited to bring any changes to the natural habitat within the boundary of the plant,<sup>319</sup> to use an axe on a protected plant; to clip the bark; to put in nails; to have bonfires under the plant; to dump oil or chemicals onto its ground;<sup>320</sup> or to dump any non-biodegradable waste<sup>321</sup> or cause any other harm to protected plants. The regulation includes guidelines for maintenance of protected plants.<sup>322</sup>

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310 *Id.* § 16.

311 *Id.* § 18.

312 Reg. No. 2020/R-75 (General Fisheries Regulation) § 17(a). The fisheries sector is discussed in detail in Section 5.2 of this report.

313 Reg. No. 2020/R-75 (General Fisheries Regulation) at Annex 2.

314 Act No. 21/1998 (Law Governing Plants in Inhabited Islands).

315 Act No. 21/1998 (Law Governing Plants in Inhabited Islands) § 10.

316 Protection of Old Trees Regulation (2011) § 3.

317 *Id.* § 6.

318 *Id.* § 7(b).

319 *Id.* § 7(d).

320 *Id.* § 7(f).

321 *Id.* § 7(g).

322 *Id.* §§ 9-10.

Although the Regulation for Uprooting, Removing and Transfer of Palms and Trees Between Islands does not expressly designate palms trees as protected, the Regulation includes provisions as to the types of palms and trees whose uprooting, chopping, or removal is prohibited.<sup>323</sup> This includes all forms of plants within 15 metres inward to an island, from the outermost plants closest to the beach, all forms of plants within 15 metres outward of wetlands, plants located in protected areas, and plants of an extraordinary nature.<sup>324</sup> In addition, a recently promulgated uninhabited islands regulation safeguards the existing environment of the uninhabited islands, and in so doing provides that the removal, chopping, and cutting of plants on an uninhabited island is subject to the Ministry of Fisheries' approved management plans.<sup>325</sup>

Further safeguards for plants are provided in the Plant Protection Act,<sup>326</sup> which establishes the administrative framework of the National Plant Protection Organisation (NPPO), governs the import and export ports for plants, plant parts, and products, establishes quarantine stations, sets fees, and provides for regulations.

New guidelines to conserve medicinal plants and animals that hold social, cultural, and economic value are currently under consideration.

Mangroves receive some protection under the aforementioned Regulation for Uprooting, Removing and Transfer of Palms and Trees Between Islands.<sup>327</sup> Additionally, the Environment Protection and Preservation Act specifically calls out mangroves for protection by the Ministry of Environment, Climate Change, and Technology.<sup>328</sup>

## 5.2 Fisheries

Fishing is a primary economic activity in nearly all inhabited islands of the Maldives, providing the largest single source of employment for local communities. It is also the primary export.<sup>329</sup> While there are concerns about large yellowfin tuna stocks in the Indian Ocean, it is believed that there is scope to expand skipjack tuna catch.<sup>330</sup> Reef-based fisheries have expanded over the years to cater to local tourism markets and increased export demand. However, there are concerns about depleting stocks of some reef species without effective management plans.<sup>331</sup>

There are several constraints in developing the fisheries sector. These include, but are not limited to, difficulty in enforcing fisheries regulations, data gaps with respect to fish stocks, limited catch and processing capacity, limited entry to premium markets, limited value addition in-country, and limited reliance on scientific evidence to enable sustainability and diversity of fish stocks.<sup>332</sup>

The primary legislation of the Maldives for the sustainable management of its fisheries, marine resources, and ecosystems is the recently enacted Fisheries Act of the Maldives and the regulations and management plans made under the Act.<sup>333</sup> In addition to the sustainable management of fisheries and marine resources, the Fisheries Act provides for the control of fishing and related activities within the maritime zones of

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323 Regulation for Uprooting, Removing and Transfer of Palms and Trees Between Islands (2006) § 3.

324 Regulation for Uprooting, Removing and Transfer of Palms and Trees Between Islands (2006) § 3.

325 Reg. No. 2020/R-95 (Regulation of Uninhabited Islands of Maldives) § 17.

326 Act No. 12/2011 (Plant Protection Act).

327 Regulation for Uprooting, Removing and Transfer of Palms and Trees Between Islands (2006) § 3(b) (prohibition against chopping, removing, or uprooting a tree within 15 metres of a mangrove).

328 First Amendment (Act No. 12/2014) to Act No. 4/1993 (Environment Protection and Preservation Act of Maldives) § 3.

329 SAP, *supra* note 9, at 30. About 50 percent of the skipjack tuna catch is mainly exported to Thailand for processing, and most yellowfin tuna are exported to limited markets. *Id.* These fish are exported mostly in chilled or frozen form.

330 The Maldives is a member of the Indian Ocean Tuna Commission, a regional intergovernmental fisheries management organization responsible for the management of tuna and tuna-like species in the Indian Ocean.

331 SAP, *supra* note 9, at 30.

332 *Id.*

333 Act No. 14/2019 (Fisheries Act of the Maldives) § 1. The Fisheries Act was enacted and came into force in September 2019. The Fisheries Act repealed Act No. 5/1987 (Fisheries Act of the Maldives), which was enacted more than three decades ago. The Fisheries Act is structured by laying down provisions on implementation of the law; fisheries planning and management considerations; regulating fishing and related fishing activities in the maritime zones of the Maldives; regulating fishing beyond the maritime zones of the Maldives; licensing of fishing and related fishing activities; deterring IUU fishing; regulating aquaculture development, management, and licensing; establishing a system for monitoring, control, and surveillance; and prescribing fisheries offences and penalties.

the Maldives, as well as fishing by Maldivian citizens outside the maritime zones of the Maldives. It also provides for regulation of aquaculture.<sup>334</sup>

The Fisheries Act, having extra-territorial application,<sup>335</sup> applies to:

- all Maldivian and foreign fishing vessels, including Maldivians and foreign nationals in or associated with such vessels, entering the maritime zones of the Maldives, as well as fishing and related activities carried out in such vessels within the maritime zones of the Maldives;
- all Maldivian fishing vessels and all Maldivians and foreign nationals on such vessels if outside the maritime zones of the Maldives; and
- all persons, vessels, vehicles, aircrafts, processing and export facilities, or other crafts or places engaged in or otherwise connected with any fishing or related activity.<sup>336</sup>

The express provisions of the Fisheries Act do not limit fishing for personal consumption; however, the Ministry of Fisheries, Marine Resources, and Agriculture (MoFMRA)—as the Act’s implementing authority—is authorised to regulate fishing for personal consumption pursuant to regulations.<sup>337</sup>

The Fisheries Act governs all forms of fishing and related activities, including but not limited to harvesting, preserving, transporting, transshipping, storing, purchasing, and processing of fish and fishery products.<sup>338</sup> Fish and fisheries resources under the Act include all organisms living in fresh water, salt water, or the sea (whether animal or plant, or whether having a characteristic of a fish or not), and includes vertebrates, invertebrates, shellfish, turtles, lobsters, and crabs—as well as the juveniles, larvae, and eggs of such organisms.<sup>339</sup>

The Fisheries Act applies to every area declared to be the territory of the Maldives in accordance with international law, and every area over which the Maldives exercises sovereign rights to explore and benefit from its natural resources.<sup>340</sup>

## 5.2.1 Implementing Authority

Under the Fisheries Act, MoFMRA is the authority principally mandated with the sustainable planning, management, and development of fisheries resources, including aquaculture and marine ecosystems in the maritime zones of the Maldives.<sup>341</sup>

MoFMRA must consult with other relevant ministries, local councils, and government agencies in the implementation of the Fisheries Act and in the formulation of regulations made under the Fisheries Act. In this regard, MoFMRA may establish agreements (MoUs), joint working groups, and standard operating procedures to coordinate these collaborative functions.

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334 Act No. 14/2019 (Fisheries Act of the Maldives) § 1. Concerning aquaculture, see Section 5.3 of this report.

335 Act No. 14/2019 (Fisheries Act of the Maldives) § 4(a), (b).

336 Act No. 14/2019 (Fisheries Act of the Maldives) § 4.

337 Act No. 14/2019 (Fisheries Act of the Maldives) §4 (c), (d). Fishing for personal consumption is defined as taking or catching of fish directly for personal consumption of the family of the person or persons who caught the fish; and where no such fish is sold personally or through another person for any business or production purpose. See *id.* § 88(dd). This has now been addressed through the new General Fisheries Regulation.

338 Fishing is defined as the searching, or attempting to search, or engaging in any other activity that results in searching, for the purpose of catching, taking, killing, or harvesting of fish; placing or searching or retaking of any fish aggregating device or equipment; and or undertaking any operation at sea or on an island in preparation for any such activity. Act No. 14/2019 (Fisheries Act of the Maldives) § 88(k). Related activity, in relation to fishing, means transshipment of fish or fisheries products to a vessel or from a vessel to another place; preserving or transporting of fish from one place to another from the time of catching or taking of fish; storing, purchasing, and processing of fish and fishery products from when they are taken from the maritime zones of the Maldives and until they are landed ashore; exporting fish and fishery products; refuelling or supplying fuel to fishing vessels or providing any activity or service in support of fishing operations; and attempting or preparing to carry out any of the said activities. *Id.* § 88(a).

339 Act No. 14/2019 (Fisheries Act of the Maldives) § 88(g).

340 Act No. 14/2019 (Fisheries Act of the Maldives) § 85.

341 See Act No. 14/2019 (Fisheries Act of the Maldives) §§ 3 & 88(x).

The Minister responsible for MoFMRA has the right to delegate a function or power of the minister under the Fisheries Act to another person who is currently heading or managing a particular office or holding a particular position of such office. Such delegation does not derogate from the power of the Minister to act in respect of a derogated function.<sup>342</sup>

## 5.2.2 Guiding Principles

In implementing the Fisheries Act, it is mandatory that MoFMRA and all institutions and persons implementing the Fisheries Act adhere to the following main principles:

- adopt measures to ensure long-term sustainable use of fisheries resources and their ecosystems, by promoting the objective of their optimum utilisation;
- ensure that the adopted measures are based on the best scientific evidence available, and are designed to maintain or restore target stocks at levels capable of producing maximum sustainable yield;
- apply the precautionary approach in accordance with the provisions of the Fisheries Act and under international obligations of the Maldives;
- assess and minimise the impact of fishing, other human activities, and environmental factors on target stocks, non-target species, and species belonging to the same ecosystem or associated with target stocks;
- adopt measures to minimise catch by lost or abandoned gear, catch of non-target species, and impacts on associated species—especially endangered, threatened, and protected species;
- develop and promote the use of environmentally friendly fishing gear and techniques;
- protect fisheries resources and their ecosystems;
- take measures to ensure fishing effort does not exceed the sustainable use of fisheries resources and their ecosystems;
- ensure participation of artisanal and subsistence fishers and local communities in the planning and management of fisheries;
- collect and share accurate data concerning fishing activities; and
- establish effective monitoring, control, and surveillance mechanisms to implement international laws, conventions, and measures related to fisheries.<sup>343</sup>

MoFMRA must establish and promote a system of collaboration, participatory decision-making, good governance, and transparency in the management of the fisheries resources of the Maldives.<sup>344</sup> MoFMRA is also required to ensure actions taken under the Fisheries Act are consistent with applicable gender equity policies and legislation of the Maldives.<sup>345</sup> In addition, MoFMRA must ensure activities permitted under the Fisheries Act consider climate change adaptation and mitigation policies, strategies, relevant legislation, principles, and measures adopted by the Maldives.<sup>346</sup>

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342 Act No. 14/2019 (Fisheries Act of the Maldives) § 16.

343 Act No. 14/2019 (Fisheries Act of the Maldives) § 5.

344 *Id.* § 7.

345 *Id.* § 8.

346 *Id.* § 13.

### 5.2.3 Fisheries Regulations and Management Plans; Prohibited Types of Fishing

MoFMRA has the power to formulate and implement policies, regulations, and measures in respect of the following:

- managing fisheries resources and their ecosystems within the maritime zones of the Maldives in a manner most beneficial to Maldivians through the application of the precautionary approach and the ecosystem approach to fisheries management;
- promoting the sustainable development of fisheries and aquaculture; and
- managing fishing and related activities undertaken by Maldivians outside the maritime zones of the Maldives.<sup>347</sup>

MoFMRA is also mandated to prepare, keep under review, and ensure implementation of fishery management plans (FMPs) for the planning and management of each of the commercial fisheries permitted under the Fisheries Act.<sup>348</sup> Each fishery management plan made under the Fisheries Act constitutes a regulation made under the Act.<sup>349</sup> No fishing for commercial use is permitted under the Act beyond September 2020 without an FMP in place for such fishery.<sup>350</sup> The Act itself does not address the duration of an FMP or require periodic review,<sup>351</sup> however, amendment or repeal of an FMP is at the discretion of the Minister, following consultation with affected stakeholders.<sup>352</sup>

See **Table 8** for a list of the regulations and FMPs issued to date pursuant to the new Fisheries Act.

**Table 8. Regulations and Fisheries Management Plans in Force under the Fisheries Act.**

#	Name of Regulation	Effective Date
1	Regulation No. 2020/R-74 (Regulation on Administration of Penalties for Fisheries-Related Offences)	30 August 2020
2	Regulation No. 2020/R-75 (General Fisheries Regulation of the Maldives)	30 August 2020
3	Regulation No. 2020/R-91 (Regulation on Issuing Permits for the Establishment of Fisheries Projects)	03 October 2020
4	Regulation No. 2020/R-92 (Regulation on the General Process of Issuing Licenses and Permits for Fishing, Fishing-Related Activities, and Aquaculture Activities)	03 October 2020
5	Regulation No. 2020/R-93 (Regulation on the Establishment of Floor Prices for Fish Purchase)	03 October 2020
6	Regulation No. 2020/R-94 (Aquaculture Regulation)	03 October 2020
7	Regulation No. 2020/R-100 (Regulation on the Conduct of Marine Research in the Maldives)	19 August 2020
8	Regulation No. 2020/R-4 (Regulation on Port State Measures to Prevent, Deter, and Eliminate IUU Fishing)	07 January 2020
#	Name of Fishery Management Plan	Effective Date
1	Maldives Billfish Fishery Management Plan	01 December 2020
2	Maldives Diamondback Squid Fishery Management Plan	03 December 2020

347 *Id.* § 3(f).

348 Act No. 14/2019 (Fisheries Act of the Maldives) § 18(a). Each FMP must include the total removals of such fishery at the time, the types of fish living in the ecosystem, connected or dependent on the target fish of such fishery, the objectives to be achieved, the measures to be adopted to manage and develop such fishery, the licensing mechanism for such fishery, catch limits imposed on vessels (if any), and the duration as well as the principles for review/amendment of such plan. *Id.* § 18(b).

349 Act No. 14/2019 (Fisheries Act of the Maldives) § 19(a). However, the Attorney General's Office has opined that the government may face issues in enforcing the FMPs if they are not republished as regulations made under the Fisheries Act. If this becomes the case, the Fisheries Act may be amended to address this situation. The authors understand that MoFMRA is in the process of addressing the situation through new regulations. Ultimately, the types of licences issued under the Fisheries Act, their duration, and the prescribed fees are intended to be detailed when these regulations are published. Interview notes on file with the authors.

350 Act No. 14/2019 (Fisheries Act of the Maldives) § 19(d) & (e).

351 Presumably the FMP itself could contain such requirements.

352 Act No. 14/2019 (Fisheries Act of the Maldives) § 19(g).

#	Name of Regulation	Effective Date
3	Maldives Sea Cucumber Fishery Management Plan	08 December 2020
4	Maldives Grouper Fishery Management Plan	16 December 2020
5	Maldives Lobster Fishery Management Plan	17 December 2020
6	Maldives Marine Aquarium Fishery Management Plan	10 December 2020
7	Maldives Reef Fishery Management Plan	24 December 2020
8	Maldives Tuna Fishery Management Plan	27 January 2021

The following types of fishing are prohibited in the maritime zones of the Maldives:

- purse seine;
- gillnet;
- trawl net;
- fishing using a net with the exception of bait fishing and fishing for personal consumption; and
- fishing using an explosive, poison, or such other chemical.<sup>353</sup>

## 5.2.4 Commercial Fishing

The Fisheries Act identifies 12 fisheries as allowable in the maritime zones of the Maldives, as set forth in [Table 9](#).<sup>354</sup>

**Table 9. Fisheries of the Maldives.**

#	Permitted Fisheries in the Maldives
1	Skipjack tuna pole and line fishery
2	Large yellowfin tuna handline fishery
3	Longline fishery
4	Billfish fishery
5	Trolling
6	Grouper fishery
7	Bait fishery
8	Marine aquarium fishery
9	Diamondback squid fishery
10	Reef fishery
11	Bigeye scad lagoon fishery
12	Harvesting of sea cucumber, lobster, and similar

MoFMRA has the power to permit other types of fisheries in the maritime zones of the Maldives by publication in the Government Gazette.<sup>355</sup>

353 Act No. 14/2019 (Fisheries Act of the Maldives) § 27. In addition, amongst others, using spearguns in fishing; fishing in any protected areas in contravention of applicable rules; using drones or aircrafts to search for schools of fish or to target fish; and using scuba gear to take sea cucumbers are prohibited by regulation. Reg. No. 2020/R-75 (General Fisheries Regulation of the Maldives) § 12.

354 Act No. 14/2019 (Fisheries Act of the Maldives) § 17(a). Note that, while certain of these categories (e.g., longline and trolling) are fishing methods rather than fisheries, this is how the Act sets them forth. MoFMRA is reviewing and revising the existing Grouper Management Plan and the existing Bait Fishery Management Plan and developing management plans for tuna fisheries, reef fisheries, the billfish fishery, sea cucumber harvesting, the recreational fishery, the marine aquarium fishery, and the diamondback squid fishery.

355 Act No. 14/2019 (Fisheries Act of the Maldives) § 17(b).

The Fisheries Act also authorises MoFMRA to determine rules governing exploratory fishing operations. This is to determine whether a particular type of fishery will be beneficial to the economy of the Maldives before it is officially introduced as a permitted fishery under the Fisheries Act. However, all provisions of the Fisheries Act apply to any person engaged in exploratory fishing.<sup>356</sup>

### 5.2.5 Recreational Fishing

Recreational or sports fishing is defined by the Fisheries Act as fishing for recreation, game, or sport—excluding fishing for personal consumption or fishing with the intention for sale or export for economic benefit; as well as the provision of any activity or service directly aimed at recreational or sport fishing to generate income.<sup>357</sup> While recreational fishing will require a licence or permit under the Fisheries Act, MoFMRA has not, to date, published a regulation governing recreational fishing.

### 5.2.6 Licensing and Permits

With the exception of fishing for personal consumption, any fishing or related activity must be undertaken in the maritime zones of the Maldives pursuant to a licence issued under the Fisheries Act. Licences are issued for vessels registered in the Maldives.<sup>358</sup> Fishing licences cannot be issued to foreign-registered vessels. Any licence issued under the Fisheries Act cannot be transferred to a third party without the approval of MoFMRA.<sup>359</sup>

Every fishing licence under the Fisheries Act is issued in accordance with the licence conditions and prescribed fee specified by regulation.<sup>360</sup> A licence can be revoked or temporarily suspended at the discretion of MoFMRA in order to manage a specific type of fishery; if the licence is used in contravention of the Fisheries Act or if the licensee has contravened a licensing condition; if the registration issued to the vessel by the relevant authority is revoked or temporarily suspended; or if the circumstance obligates revocation or temporary suspension pursuant to an international agreement signed by the Maldives.<sup>361</sup> A licence can be renewed after payment of the prescribed fee if there has not been a breach of the licensing conditions.<sup>362</sup>

Sale of fish by Maldivian fishing vessels to foreign collector fishing vessels must be undertaken under permit issued by MoFMRA. Foreign vessels wanting to buy fish from Maldivian fishing vessels must obtain permits as required under relevant foreign investment or business registration legislation in addition to a permit required under the Fisheries Act.<sup>363</sup> Transshipment is considered a “related activity” with respect to fishing pursuant to the Fisheries Act.<sup>364</sup> While the Fisheries Act does not expressly require a licence to undertake transshipment, such activity must be undertaken in accordance with regulation made under the Fisheries Act—and transshipment has been addressed in the General Fisheries Regulation.<sup>365</sup>

Sale of fish directly to a foreign country can be undertaken where such country has entered into an agreement with the Maldives in respect of the same.<sup>366</sup> Maldivian fishing vessels wishing to engage in such sales must obtain a permit from MoFMRA.

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356 Act No. 14/2019 (Fisheries Act of the Maldives) § 24. The Fisheries Act mandates the regulation to be made to include provisions relating to the determination, methods, and licensing of exploratory fishing. No such regulation has yet been promulgated.

357 Act No. 14/2019 (Fisheries Act of the Maldives) § 88(bb).

358 For clarity, this means licences for the taking or harvesting of fish will not be issued to individual fishers, but to vessels engaged in the fishery.

359 Act No. 14/2019 (Fisheries Act of the Maldives) § 36.

360 *Id.* §§ 37 & 38.

361 *Id.* § 39.

362 *Id.* § 42.

363 *Id.* § 28.

364 *Id.* § 88(a).

365 That regulation prohibits transshipment of fish: from one vessel to another outside the atoll areas, or if the island is naturally formed as an atoll by itself, beyond 1 nm from its fore reef. Transshipment is also prohibited: within the waters of atolls, or if the island is naturally formed as an atoll by itself, within 1 nm of its fore reef in contravention of any requirement under fishery management plans. Reg. No. 2020/R-75 (General Fisheries Regulation of the Maldives) § 12(i), (j).

366 Act No. 14/2019 (Fisheries Act of the Maldives) § 32.

Fish and fishery products can be processed, and ice plants can be established for fish storage in the Maldives after obtaining a permit from MoFMRA.<sup>367</sup> Neighbourhood fish factories<sup>368</sup> can be established on inhabited islands after obtaining the required permit from the Ministry. However, this will not prevent establishment of industrial level fish processing facilities on inhabited islands.<sup>369</sup>

### 5.2.7 Prohibited Species

The harvesting and killing of the following types of species from the maritime zones of the Maldives is prohibited:<sup>370</sup>

- cetaceans;
- berried lobsters and lobsters of the genus *Panulirus* with a carapace less than 7.6 centimetres in length;
- giant clams;
- sharks;
- rays;
- corals;
- parrotfish;
- Neapolitan wrasse;
- sea turtles and their eggs;
- black coral;
- whale shark; and
- triton conch.

Additionally, the following types of species, and any product made from such species, are prohibited from export from the Maldives, with the exception of those species grown under aquaculture and exported from the Maldives under special permit from MoFMRA:<sup>371</sup>

- lobster and lobster meat;
- top shells/Trochus shells;
- corals and sea anemones (both living and dead);
- eel;
- pufferfish;
- oysters;
- all types of fish used for bait (Silver sprat, Blue sprat, Cardinal fishes, Anchovy, Fusiliers, Bigeye scad, Chromis);
- conches (Chiragra spider conch, Spider conch);
- Silver-mouthed turban; and
- octopus.

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367 Act No. 14/2019 (Fisheries Act of the Maldives) § 29(a).

368 Neighbourhood fish factories are places operated at the island level by an individual or community for the production of fish and fishery products. Act No. 14/2019 (Fisheries Act of the Maldives) § 88(i).

369 Act No. 14/2019 (Fisheries Act of the Maldives) § 29(b).

370 Reg. No. 2020/R-75 (General Fisheries Regulation of the Maldives) § 17 & sched. 2.

371 Reg. No. 2020/R-75 (General Fisheries Regulation of the Maldives) § 19(a), (b) & sched. 3.

## 5.2.8 Enforcement: Monitoring, Control, and Surveillance

MoFMRA, in consultation with the MNDF Coast Guard, the Maldives Police Service (MPS), the Maldives Customs Service (MCS), and the Maldives Transport Authority (MTA), as well as other relevant authorities, is mandated to make and enforce monitoring, control, and surveillance systems pursuant to the Fisheries Act.<sup>372</sup>

**Enforcement Officers.** The Coast Guard, the MPS, and the MCS are responsible for enforcing the Fisheries Act in accordance with their respective mandates. Every relevant, trained, and experienced officer of these entities is deemed an enforcement officer appointed to fulfil the responsibilities of the Coast Guard,<sup>373</sup> the MPS,<sup>374</sup> and the MCS<sup>375</sup> under the Act.<sup>376</sup>

**Fisheries Rangers.** Apart from the enforcement officers stated above, MoFMRA has the right to appoint any staff of the Ministry, other government agencies, or any local council as a ranger to perform and enforce responsibilities and duties under the Fisheries Act.<sup>377</sup>

**Observers.** MoFMRA, by public announcement in the Government Gazette, must determine the parties that will act as observers on vessels validly licenced under the Fisheries Act. Citizens of foreign states may act as observers if so determined by MoFMRA. The responsibility of observers is to collect, record, and report accurate and trustworthy information for scientific use, to plan and manage fisheries, or for such other purpose as may be prescribed by regulation made under the Fisheries Act.<sup>378</sup>

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372 Act No. 14/2019 (Fisheries Act of the Maldives) § 56. The key policy document guiding the Maldives' approach to preventing, deterring, and eliminating IUU fishing is the Maldives National Plan of Action to Prevent, Deter, and Eliminate Illegal Unreported and Unregulated Fishing (NPOA-IUU), July 2019, available at <https://www.gov.mv/en/files/npoa-iuu-report-2019-maldives.pdf>.

373 The enforcement officers of the Coast Guard have the power without a court warrant, amongst other things, to stop, board, and search foreign fishing vessels within the maritime zones of the Maldives; stop, board, and inspect Maldivian fishing vessels within and outside the maritime zones of the Maldives; stop and board Maldivian fishing vessels within and outside the maritime zones of the Maldives to check the possession of the seaworthiness certificate or survey report; to ensure the vessel and gear used in the vessel is in compliance with the relevant laws and regulations; and to check whether the vessel is suitable for fishing; demand Maldivian fishing vessels in or outside the maritime zones of the Maldives to show and inspect any net or such other gear used for fishing; seize any vessel with gear and assets believed to be committing or to have committed an offence under the Fisheries Act; enter and search fish processing facilities, offshore platforms, and ice plants in the maritime zones of the Maldives; confiscate any vessel, or other things for sea transport, fishing gear, asset, equipment, or other item believed by an enforcement officer to have been used in the commission, or with the intention of commission, of an offence under the Fisheries Act; and arrest the master, owner, or operator of a vessel detained as a result of the commission of an offence or committing an offence, or everyone in the vessel believed to have committed or participated in the commission of an offence under the Fisheries Act. Act No. 14/2019 (Fisheries Act of the Maldives) § 60.

374 The enforcement officers of the MPS have the power without a court warrant to stop vessels, demand to show the fishing licence, permit or such document, inspect such documents or make/take copies, in order to monitor compliance by all vessels travelling the maritime zones of the Maldives; demand to show any fishing net or other gear believed to be on such vessel and inspect such items, and seize items used or reasonably believed by the enforcement officer will be used in the commission of an offence under the Fisheries Act for investigation; and seize any record, document, or item reasonably believed by the enforcement officer to be proof of the commission of an offence under the Fisheries Act. Act No. 14/2019 (Fisheries Act of the Maldives) § 59.

375 The enforcement officers of the MCS have the power in the circumstances specified in the Fisheries Act to check all matters of every foreign vessel entering into the Maldives upon entry to port before issuing inward clearance; check all matters of every foreign vessel departing from the Maldives; in accordance with Act No. 8/2011 (Maldives Customs Act), inspect and search goods, people, and other items onboard vessels entering into the Maldives as well as vessels departing from the Maldives after loading fish from the Maldives; and with approval from MoFMRA, and in accordance with the Act No. 8/2011 (Maldives Customs Act), confiscate items found on vessels entering and departing the maritime zones of the Maldives in contravention of laws and regulations, and investigate such matters. Act No. 14/2019 (Fisheries Act of the Maldives) § 61.

376 Act No. 14/2019 (Fisheries Act of the Maldives) § 57.

377 *Id.* § 58.

378 *Id.* § 69.

## 5.2.9 Offences and Penalties

The Fisheries Act establishes various offences for which penalties are prescribed.<sup>379</sup> These are set forth in **Table 10**. Fines can be imposed separately on the master, owner, and/or operator of the vessel.<sup>380</sup> The penalty for foreign vessels that contravene the Act is twenty times greater than the amount otherwise imposed under the Act.<sup>381</sup>

**Table 10. Offences and Penalties under the Fisheries Act.**

#	Type of Offence (Section)	Penalty/Fines	Against Whom?
1	Fishing without a licence or in contravention of licensing conditions (§ 73)	A fine in an amount not exceeding MVR 400,000.00	Separately against the master, owner, and/or operator of the vessel
2	Unauthorised approval/ procurement of fishing (§ 74)	A fine in an amount not exceeding MVR 200,000.00	Any person who committed the offence
3	Undertaking aquaculture without a licence or in contravention of licensing conditions (§ 75)	A fine in an amount not exceeding MVR 200,000.00	Any person who committed the offence
4	Engaging in prohibited types of fishing in the maritime zones of the Maldives (§ 76)	A fine in an amount not exceeding MVR 2,000,000.00	Any person who committed the offence
5	Committing an offence in contravention of regulations made under the Fisheries Act (§ 77)	A fine in an amount not exceeding MVR 5,000.00	Any person who committed the offence
6	Operation of fish processing facilities, neighbourhood fish factories, ice plants, and offshore platforms without a licence or in contravention of licensing conditions (§ 78)	A fine in an amount not exceeding MVR 400,000.00	Separately against the owner and/or operator of the fish processing facility, offshore platform, or ice plant

## 5.3 Aquaculture

The Fisheries Act is the primary legislation regulating the development and management of aquaculture in the Maldives. A principal objective of the Act is to formulate a complete system to develop and manage the aquaculture industry for contribution to economic development.<sup>382</sup> Aquaculture is defined as the culturing, propagation, keeping, raising, and ranching of aquatic living resources on the territory of the Maldives, and in the maritime zones of the Maldives.<sup>383</sup> MoFMRA is responsible for promoting, coordinating, and managing all activities relating to aquaculture development in the Maldives.<sup>384</sup>

379 Additional offences and penalties may be prescribed under relevant regulations published under the Fisheries Act. It is also notable that, under the Maldives Penal Code, entering the EEZ for the purpose of fishing without a licence or authority is a Class 1 misdemeanor. Act No. 9/2014 (Maldives Penal Code) § 614(a), (b)(1).

380 Act No. 14/2019 (Fisheries Act of the Maldives) § 72(b).

381 Act No. 14/2019 (Fisheries Act of the Maldives) § 72(a). Regulation made under the Fisheries Act must prescribe the governing standards and principles in determining the fines imposed under the Fisheries Act (§ 79); no civil penalty must be imposed without giving notice and an opportunity to the alleged offender to respond and without holding a hearing (§ 80(a)); and in determining the penalty amount, the Ministry must take into account the nature of the offence, the circumstances under which the offence was committed, the number of counts, the gravity of the offence, as well as the extent to which the alleged offender is liable for the offence (§ 80(b)). In this regard, Reg. No. 2020/R-74 (Regulation on Administration of Penalties for Fisheries-Related Offences) intends to have in place a transparent, clear and efficient system that reduces fisheries offences while providing a process that is just and that provides opportunity for alleged offenders to have their say (§ 2).

382 Act No. 14/2019 (Fisheries Act of the Maldives) §§ 1(b) & 2(a)(3).

383 Act No. 14/2019 (Fisheries Act of the Maldives) § 88(b). This means the concept of mariculture is also captured in the Fisheries Act.

384 Act No. 14/2019 (Fisheries Act of the Maldives) § 45. The Maldives is also party to the Agreement on the Network of Aquaculture Centres in Asia and the Pacific (NACA), which has the main objective of assisting members to expand aquaculture development for the purpose of increasing production, improving rural income and employment, diversifying farm production, and increasing foreign exchange earnings and savings.

MoFMRA is authorised to allocate specific areas exclusively to undertake aquaculture and related activities. In this regard, after considering the scientific, social, economic, environmental, and other factors, MoFMRA can make such allocations by public announcement. Conversely, MoFMRA can also by public announcement determine areas where aquaculture and related activities are prohibited.<sup>385</sup>

As with the concept of fishery management plans, the Act mandates MoFMRA to prepare, review, and ensure implementation of aquaculture management plans for the planning, development, and management of aquaculture.<sup>386</sup>

Aquaculture and any related activity must be undertaken only with a licence issued by MoFMRA, after payment of the prescribed fee.<sup>387</sup> Two categories of licences may be issued: a licence to undertake exploratory aquaculture or a licence to undertake aquaculture.<sup>388</sup> An aquaculture licence will not be issued unless the following criteria have been satisfied:

- an EIA report has been prepared as per applicable laws;<sup>389</sup>
- granting of such licence will not adversely affect any other economic activity carried out in the area;
- granting of such licence will not adversely affect the environment; and
- the area allocated for aquaculture is adequate for aquaculture activities or adequate for the cultivation of a specific species of fish.<sup>390</sup>

MoFMRA can lease out areas from the sea or land to undertake aquaculture pursuant to the Fisheries Act, after consulting with the ministry responsible for land allocation, relevant local councils, and other relevant government authorities. MoFMRA is required to publicly announce such areas leased for aquaculture activities.<sup>391</sup>

The new Aquaculture Regulation, promulgated pursuant to the Act, seeks to ensure sustainable aquaculture development in the Maldives and in its maritime zones including the sea, internal waters of atolls, reefs, lagoons, water ponds, and islands. It also seeks to ensure that all stages of aquaculture are carried out in a manner that ensures protection of the ecosystem and biodiversity, and so as to ensure the beauty of the natural resources of the Maldives are sustained for current and the future generations. This regulation covers a range of measures.

## 5.4 Recreational Diving

Recreational scuba diving is an important tourism activity in the Maldives. The Ministry of Tourism is authorised to issue regulations to keep recreational scuba diving safe and enjoyable. Divers and dive centre staff are required to abide by these regulations, a copy of which must be available at each dive centre and be accessible to diving clientele at all times. The management of diving and travel agencies, and the provision of their services, must be registered and in accordance with the regulations.<sup>392</sup>

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385 Act No. 14/2019 (Fisheries Act of the Maldives) § 46. To date, MoFMRA has not publicly announced exclusive areas for aquaculture activities, nor areas where aquaculture activities are prohibited.

386 Act No. 14/2019 (Fisheries Act of the Maldives) § 47(a). Each aquaculture management plan must include, among other items: sectors to be developed in respect of aquaculture activities and areas where aquaculture activities are prohibited; types of species to be produced via aquaculture; objectives to be achieved; and measures to be adopted to develop and manage aquaculture. *Id.* § 47(b). To date, MoFMRA has not publicly announced any aquaculture management plans pursuant to the Fisheries Act.

387 Act No. 14/2019 (Fisheries Act of the Maldives) §§ 48(a) & 51. Reg. No. 2020/R-94 (Aquaculture Regulation) requires that before undertaking any aquaculture activity in an aquaculture facility, a valid licence must be obtained (§ 6(a)). See also *id.* § 8 (An aquaculture licence can be revoked or temporarily suspended if: there is a breach of a licensing condition or failure to rectify such breach within a reasonable period; aquaculture activity is not commenced within the period stipulated in the licence; it is deemed necessary to protect the environment and preserve the genetic diversity of the ecosystem; there is non-reporting of any disease or infected organism to MoFMRA or there is an inability to take measures to prevent the spread of such disease or infected organism; or the licensee is unable to treat or eliminate a diseased or infected aquatic organism).

388 Reg. No. 2020/R-94 (Aquaculture Regulation) § 6(b). No aquaculture product made under a licence for exploratory aquaculture can be used for sale until after obtaining a licence to undertake aquaculture. *Id.* § 6(d).

389 Act No. 14/2019 (Fisheries Act of the Maldives) § 48(b).

390 Reg. No. 2020/R-94 (Aquaculture Regulation) § 6(c)

391 Act No. 14/2019 (Fisheries Act of the Maldives) § 50.

392 Act No. 2/1999 (Maldives Tourism Act) §§ 3 & 29.

The Maldives Recreational Diving Regulation governs diver training agencies and minimum certification requirements,<sup>393</sup> supervision of diving activities,<sup>394</sup> maximum dive depth limitations,<sup>395</sup> decompression dive limitations,<sup>396</sup> dive centre requirements, equipment requirements, qualification requirements,<sup>397</sup> dive boat requirements,<sup>398</sup> and other safety considerations.<sup>399</sup>

The Maldives has adopted the Green Fins Guidelines and Code of Conduct to help implement environmental standards for the diving and snorkeling industry.<sup>400</sup>

## 5.5 Cultural Heritage

The Maldives enacted new national cultural heritage legislation in 2019.<sup>401</sup> The Maldives National Heritage Act is intended to preserve archaeological finds, buildings, crafted items, paintings, archives, books, writings, and other items with historical value. The Act specifies procedures, jurisdiction of designated authorities, and offences for actions that result in the loss of items or sites of historical significance. The purpose of the new law is to safeguard in perpetuity items and sites of historical significance for future generations. The Act requires that a list of heritage items be compiled and ranked in order of value—currently the Tentative Tangible Heritage List has 463 sites.<sup>402</sup>

The National Centre for Cultural Heritage,<sup>403</sup> established under the Ministry of Arts, Culture, and Heritage, implements the Act and is responsible for ensuring documentation, preservation, and protection of Maldivian heritage.

In determining the historical value of heritage items, the Act provides that an item be dated as at least 100 years old or have significant cultural value. For buildings, the Act requires that it have been constructed before 1950 or have significant cultural value. The Act also includes provisions preserving social and religious practices associated with local culture, as well as traditional sports and festivities. The Act sets out penalties for damaging heritage items or vandalising historic buildings and prohibits the export of such items.<sup>404</sup>

As part of the Act's implementation, a regulatory and institutional framework is being developed for the arts, culture, and heritage sector. Consistent with the Constitution and international conventions, this effort is expected to include regulatory standards to manage public and private collections, as well as tangible, intangible, and documentary cultural heritage. The initiative will address documentation and mapping of underwater cultural heritage sites and the adoption (or revival) of local names.

## 5.6 Maritime and Shipping

The Maldives is located along a maritime trade route that is vital to global maritime commerce. The Maldives also depends on shipping to move the majority of its goods. The atolls of the Maldives are traversed by three international archipelagic shipping lanes: the Equatorial Channel, the Huvadhuo Kandu (or One & a Half Degree) Channel, and the Kardiva Channel.

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393 Maldives Recreational Diving Regulation (2003) § 1.

394 *Id.* § 2.

395 *Id.* § 3.

396 *Id.* § 4.

397 *Id.* §§ 5, 6, & 10.

398 *Id.* § 8.

399 *Id.* § 9.

400 See <https://greenfins.net>.

401 Act No. 12/2019 (Maldives National Heritage Act). This Act repeals Act No. 27/1979 (Law governing cultural and historically significant places and things).

402 Source: National Centre for Cultural Heritage.

403 In 2019, President Ibrahim Mohamed Solih changed the name of the former Department of Heritage to the National Centre for Cultural Heritage.

404 Act No. 12/2019 (Maldives National Heritage Act) § 54.

There are multiple legal instruments that apply to maritime activities and shipping in the Maldives, but they are inadequately implemented. Presently, the principal legislation is the Maritime Navigation Act,<sup>405</sup> which governs vessel movement in Maldivian waters. Vessels owned by Maldivians that are engaged in either domestic or international transport must be registered with the MTA. Those vessels must be operated in a safe manner so as to not pose a threat or hazard to other activities in the marine environment. In addition, there are regulations governing the registration of local vessels<sup>406</sup> and regulations related to building vessels in the Maldives that operate in Maldivian waters.<sup>407</sup>

Maritime administration in the Maldives is carried out by multiple agencies, including the MTA, the MCS, the MNDF, Maldives Immigration (MI), Port Health, and Maldives Ports Limited. Pursuant to the Maldives Transport Authority Act,<sup>408</sup> the MTA is presently responsible for both land and maritime transport within the Maldives. While the maritime department focuses on domestic marine transport, international shipping is largely unregulated.

Procedural provisions relevant to shipping are addressed in the Maldives Customs General Regulation. Every vessel travelling to the Maldives is required to submit its estimated time of arrival 12 hours before arrival in Maldivian waters,<sup>409</sup> to obtain permission to load or unload any cargo or transfer personnel,<sup>410</sup> and to inform MCS of its arrival at port.<sup>411</sup> The Maldives follows the IMO Convention on Facilitation of International Maritime Traffic (FAL Convention),<sup>412</sup> with its requirements integrated into the Maldives Customs General Regulation.

Shipping agents operating in the Maldives must register with the Maldives Transport Authority.<sup>413</sup> An agent is required to assist in any damages as a result of negligence, assist security services in the prevention of environmental damage, and assist in the salvage process when operating ships in Maldivian waters.

The Maldives is currently planning to adopt extensive new regulations on maritime security, in line with the International Ship and Port Facility Security (ISPS) Code.<sup>414</sup> It is also anticipated that new maritime authority legislation and port legislation will be enacted to strengthen the maritime sector's legal and regulatory framework. In addition, to ensure domestic implementation of various international treaty obligations of the Maldives, there are plans to enact a maritime labour law, a prevention of pollution at sea law, a civil liability and compensation for oil (including bunker) pollution law, and a protection of life and property at sea law. Plans are also in place within the maritime sector to revisit the existing Open Registry/Luxury Vessel Registration Regulation and existing ferry regulations.<sup>415</sup>

The Maldives is a signatory to multiple maritime conventions, as set forth in [Appendix 2](#) to this report. The Constitution requires any conventions ratified by the Maldives to be domesticated into national law in order to be implemented. Some of the maritime-related conventions are signed but are not well implemented; for instance, those related to ballast water management and ship pollution. Also, the effectiveness of

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405 Act No. 69/1978 (Maritime Navigation Act), as amended by Act No. 35/2015. It is expected that this dated legislation will be reviewed and updated to streamline it and ensure a better fit within the legal framework.

406 Reg. No. 2016/R-6 (Local Vessel Registration Regulation).

407 Reg. No. 2017/R-2 (Regulation related to building vessels in the Maldives that operate in Maldivian waters).

408 Act No. 3/2016 (Maldives Transport Authority Act). Port state control (PSC) in the Maldives has been delegated to Maldives Ports Limited, which was incorporated in 2008 as a government-owned company.

409 Reg. No. 2011/R-41 (Customs General Regulation) § 62.

410 Reg. No. 2011/R-41 (Customs General Regulation) § 52.

411 Reg. No. 2011/R-41 (Customs General Regulation) §§ 56 & 58.

412 The Maldives is not, however, party to this convention.

413 Reg. No. 2020/R-114 (Regulation on Shipping Agencies).

414 The many likely topics of regulation include: an International Safety Management Code (ISM Code) for ships; selection and authorisation of classification societies acting on behalf of the flag state for Maldivian-flagged vessels, in line with the Recognised Organisations (RO) Code; investigation of marine accidents in line with the Code of International Standards and Recommended Practices for a Safety Investigation into a Marine Casualty or Marine Incident (Casualty Investigation Code); ship equipment used in Maldivian-flagged vessels; procedures for the determination of offences committed by ships and other maritime vessels; reception of wastes from ships and waste control; tonnage measurement on ships; load lines of commercial vessels; prevention of collisions at sea, in line with the International Regulations for Preventing Collisions at Sea 1972 (COLREGs); wreck and wreck removal; NAVigational TELeX (NAVTEX) system for local and foreign vessels; principles regarding inspection and quality standards on maritime training and certification; vessel traffic service in the Malé area; ship reporting; and a hydrography service.

415 See Reg. No. 2-60/78 (Regulation on Public Ferry Services in Maldives).

delegating port state control measures to a for-profit company like Maldives Ports Limited may require further consideration.

In 2019, the Maldives and India signed a five-year MoU for cooperation in the field of hydrographic survey of the Maldives and for the production of navigational charts. The existing charts in the Maldives are produced by the British Admiralty, based on a lead and line survey carried out in 1834. There are inaccuracies in the reef topography and an absence of bathymetric data for Maldivian atolls. The joint hydrographic survey will entail the sharing of bathymetric data for use by the Maldives apart from production of accurate navigational charts. Moreover, the initiative will foster training of hydrographic surveyors and capacity-building to establish a national hydrographic service in the Maldives. The hydrographic survey will contribute to the national defence, maritime boundary delimitation, coastal zone management, and national marine spatial data infrastructure, as well as environmental protection and management.

## 5.7 Offshore Industry

### 5.7.1 Mining

The Maldives has no comprehensive legislation governing mining activities—either in the terrestrial or offshore environments. The Sandmining Act<sup>416</sup> is dated and only covers mining activities on uninhabited islands, leaving a regulatory gap.

Historically, coral was the only building material available in the Maldives. As a result, coral mining was widespread to provide materials for the construction of houses and buildings, despite the long-lasting impacts on reefs. Today, coral mining is no longer a country-wide commercial activity, and there is pending legislation on provisions governing the taking of sand, gravel, stones, and coral.

### 5.7.2 Energy Production

At present, the Maldives has no legislation governing offshore energy production.<sup>417</sup>

## 5.8 Utilities

The primary legislation governing utilities is the Provision of Utility Services Act, which includes provisions on licensing, utility agreements, temporary disconnections and reconnections, and fees.<sup>418</sup> The Act defines utility services as electrical, water and sewerage services, and telephone services.<sup>419</sup>

The recently ratified Water and Sewerage Act<sup>420</sup> nullifies provisions relevant to water and sewerage from the Provision of Utility Services Act.<sup>421</sup> It includes updated provisions relevant to the use of modern technology to seek the most environmentally friendly means of providing water and sewerage services, stipulating that renewable energy must be utilised in the production of water by a reverse osmosis process. The Water and Sewerage Act is intended to ensure the delivery of safe and clean water to all persons in the Maldives. The Act establishes guidelines and procedures for the protection of water resources and enables the establishment of a suitable water and sewerage network for all inhabited islands. Island councils are responsible for levying charges on water and sewerage services.

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416 Act No. 77/1978 (Law Governing Sandmining on Uninhabited Islands).

417 An Energy Bill is currently before Parliament at the committee stage. Related regulations, codes, and standards for energy sector products and services are being prepared. Also being formulated are low-emission, carbon-resilient policy regulations for new resort development projects and for existing resorts to switch to renewable energy sources within a given time frame.

418 Act No. 4/1996 (Provision of Utility Services Act).

419 Act No. 4/1996 (Provision of Utility Services Act) § 2.

420 Act No. 8/2020 (Water and Sewerage Act). The Act does not address the topic of offshore energy production.

421 Act No. 4/1996 (Provision of Utility Services Act).

The new Utility Regulatory Authority Act supplements the Water and Sewerage Act, designating the Utility Regulatory Authority (URA) to regulate and oversee the management of public utility services.<sup>422</sup> The Act further defines the mandate of the regulatory body, including general guidelines, plans, and procedures in the provision of utility services. The main objectives of the Act include providing high-quality utility services to all those residing in the Maldives in an affordable, sustainable, reliable, and environmentally friendly manner. One of the key objectives of the Act is to formulate a licensing system and a grievance mechanism to ensure that special laws and regulations in relation to utility services are adhered to. The Utility Regulatory Authority Act also recognises waste management as a utility service.<sup>423</sup>

## 5.9 Water Pollution

The water resources of the Maldives are limited and under continued threat—a problem that is greatly exacerbated by climate change. Groundwater, a viable source of water for islands, is susceptible to contamination due to the porous nature of the soil. This leads to saltwater intrusion, inappropriate waste disposal and substandard sanitation practices, land-surface derived contamination from stormwater runoff, and tidal waves that cause flooding and associated pumping demand.

A recently published regulation for the protection of water resources<sup>424</sup> designates groundwater as a protected water resource<sup>425</sup> and requires local councils to prepare a Water Resource Conservation and Management Plan. The regulation contains provisions addressing the use of well water for domestic and agricultural purposes,<sup>426</sup> the use of the water lens in emergency cases such as disasters,<sup>427</sup> infiltration of stormwater to groundwater due to heavy rain,<sup>428</sup> and regeneration of the water lens.<sup>429</sup>

The Regulation on Management Use and Storage of Oil<sup>430</sup> governs the dumping of oil or chemicals in a manner that threatens the water lens and groundwater. Provisions relevant to dewatering and drainage of groundwater are subject to conditions set in the revised Dewatering Regulation,<sup>431</sup> under which permits from the URA are required for groundwater extraction.

The National Water and Sewerage Strategic Action Plan<sup>432</sup> addresses conservation efforts needed to factor groundwater recharge mechanisms into land use, infrastructure, and development-related planning. In addition, the Plan includes developing and standardising parameters for groundwater quality and quantity in all monitoring activities.

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422 Act No. 26/2020 (Utility Regulatory Authority Act). The water and sewerage regulatory function under the Environmental Protection Agency (EPA) and the electricity regulatory function under the Maldives Energy Authority (MEA) were combined under the newly established URA.

423 Waste management legislation in the Maldives is at the drafting stage.

424 Reg. No. 2021/R-22 (Regulation for Protection and Management of Water Resources).

425 *Id.* § 6(a).

426 *Id.* §§ 18 to 20.

427 *Id.* § 7. A water lens, found on islands and atolls, is a layer of fresh groundwater located above a denser layer of saltwater and sediment.

428 *Id.* § 9.

429 *Id.* § 8. Presently, additional regulations are under development that would further address water pollution and groundwater resource management concerns.

430 Reg. No. 2015/R-219 (Regulation on Management Use and Storage of Oil).

431 Reg. No. 2021/R-20 (Regulation for Dewatering for Building and Industrial Projects).

432 National Water and Sewerage Strategic Plan 2020-2023, available at <https://www.environment.gov.mv/v2/wp-content/files/publications/20201104-pub-national-water-and-sewerage-strategic-action-plan-2020-2025.pdf>.

## 5.10 Pollution, Dumping, and Accidents

Pollution is a key threat to the environment of Maldives. In addition to threatening groundwater resources as highlighted in Section 5.9, polluting activities in the form of air pollution, ocean dumping, and material environment accidents pose major threats to the environment.

Increases in population and urbanization<sup>433</sup> contribute to the poor and deteriorating quality of air in greater Malé. There is currently neither a national air quality policy nor a national ambient air quality standard. Nor are there mechanisms to regulate industrial emissions. However, the National Action Plan on Air Pollutants does include a road map for the management of air quality and identify actions to reduce air pollution in the Maldives.<sup>434</sup>

Poor waste management and the absence of a designated area for waste disposal in the region have led to open burning and dumping in the open sea, contributing to ocean pollution. While it is generally prohibited to dump in areas other than as specified by the EPA pursuant to regulation,<sup>435</sup> food waste and biodegradable waste may be dumped into the sea outside of an atoll—taking into account the wind and ocean currents, so that the waste will not wash ashore.<sup>436</sup> Nevertheless, any type of waste, oil, poisonous gas, or other substance that may have harmful effects on the environment may not be disposed of within the territory of the Maldives.<sup>437</sup> In cases where the disposal of such substances is absolutely necessary, they must be disposed of only within those areas designated for such purposes by the government.<sup>438</sup>

With modern lifestyle changes, the Maldives' population increasingly relies on packaging and single-use plastics. As a result, more plastic reaches the ocean. A single-use plastic phase-out plan has been endorsed and made effective.<sup>439</sup> Complementing this, the Export Import Act of the Maldives has been recently amended with provisions to ban single-use plastics.<sup>440</sup>

Although the Maldives has ratified the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78), the convention has not yet been implemented through domestic legislation. A contingency plan to respond to national disasters, including oil spill response, is still under development. Serious environmental accidents, such as ship groundings and forest fires in wetland areas, are common. In cases where the marine environment is damaged due to ship grounding, the EPA is authorised by regulation, promulgated pursuant to the Environment Protection and Preservation Act, to assess the damaged area and to impose a fine.<sup>441</sup> At present, local vessels are not required to carry insurance; hence determining liability and obtaining compensation for environmental damage has proven to be problematic.

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433 Ministry of Environment and Energy, State of the Environment 2016, at 64, available at <https://www.environment.gov.mv/v2/wp-content/files/publications/20170202-pub-soe-2016.pdf>.

434 See Ministry of Environment and Energy, National Action Plan on Air Pollutants, Determining Nationally Avoided Emissions (2019), available at <https://www.environment.gov.mv/v2/wp-content/files/publications/20160920-pub-national-action-plan-on-air-pollutants.pdf>.

435 Reg. No. 2013/R-58 (Waste Management Regulation) § 11.

436 Regulation on the Protection and Conservation of Environment in the Tourism Industry (2006) § 5.3.3.

437 Act No. 4/1993 (Environment Protection and Preservation Act of Maldives) § 7(a).

438 Act No. 4/1993 (Environment Protection and Preservation Act of Maldives) § 7(b). At present, new waste management legislation is scheduled for submission to Parliament. In addition, a regulatory framework for Public Private Partnership (PPP) in waste management services is under development; it would help to reduce import, use, and manufacture of single-use plastics. Anti-littering is to be pursued through stricter fines, more effective policing, and strengthened reporting mechanisms. In addition, regulations and guidelines are being developed for the use, handling, and disposal of chemical and hazardous wastes; for the handling, storage, and transport of non-medical hazardous waste and chemicals generated in the inhabited islands until they reach Regional Waste Management and Treatment (RWMT) Facilities; for the reuse and recycling of construction and demolition waste; and for the appropriate disposal of electronic waste, including waste generated by the energy sector.

MECCT also plans to formulate overarching legislation on chemical management, paying specific attention to diversity and usage across chemicals' life cycle, to ensure effective management and safe disposal, including mechanisms to enforce controls on import, use, and placement of carcinogenic chemicals within the local market.

439 Single-Use Plastic Phase out Policy (draft), available at <https://www.environment.gov.mv/v2/wp-content/files/2020/comments/20200817-cmt-single-use-plastic-phase-out-policy-for-maldives-draft-en.pdf>.

440 Eighteenth Amendment (Act No. 29/2020) to Act No. 31/1979 (Export Import Act of the Maldives).

441 Reg. No. 2011/R-9 (Regulation for the determination of penalties and obtaining compensation for damages caused to the environment). This regulation is pending further revision.

MNDF Coast Guard, in joint collaboration with the Pacific Command (PACOM) of the U.S. Navy and concerned government agencies, formulated a National Maritime Contingency Plan on Oil & Hazardous Substance Pollution in 2016. The Plan was further amended with comments from stakeholders and the Attorney General's Office in 2019. The Plan remains subject to Cabinet approval.

## 5.11 Scientific Research and Education

MoFMRA, by regulation promulgated under the Fisheries Act, oversees scientific research pertaining to the ocean and marine resources.<sup>442</sup> The 2020 Regulation on the Conduct of Marine Research in the Maldives provides for the organisation, administration, and development of marine scientific research in the Maldives, in accordance with the scope of UNCLOS and the Constitution of the Maldives.<sup>443</sup> Research undertaken by MoFMRA or in affiliation with MoFMRA is exempted, as is research undertaken by mandate of a government agency.<sup>444</sup>

Application to undertake research is made to MoFMRA,<sup>445</sup> with a fee.<sup>446</sup> The research may be conducted for a period of one year with the possibility of extension.<sup>447</sup> Foreigners may conduct research in the Maldives, subject to an endorsement from a university or a locally registered educational institute or research lab, unless there is an affiliation with MoFMRA or a government institution.<sup>448</sup> Recordkeeping, monitoring, and evaluation requirements are mandated by regulation.<sup>449</sup>

Additionally, research undertaken in protected areas requires a second permit—this one issued by the EPA. Presently, the protected area research permit requirement is not embedded in the Protected Areas Regulation that generally applies to protected areas, although it is a requirement mandated by the EPA.<sup>450</sup> However, research requirements are embedded in the protected area special regulations for Hanifaru marine protected area,<sup>451</sup> the protected areas of Addu City,<sup>452</sup> and the protected areas of Fuvahmulah City.<sup>453</sup>

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442 Reg. No. 2020/R-100 (Regulation on the Conduct of Marine Research in the Maldives).

443 *Id.* § 2.

444 *Id.* § 3. Exempted under this provision are EIAs, surveys or research conducted without field surveys, and direct communications with fishermen.

445 *Id.* § 4.

446 *Id.* § 5.

447 *Id.* § 6.

448 *Id.* § 8.

449 *Id.* §§ 11 to 13.

450 The requirement is contained in a regulatory amendment that is currently in draft.

451 Reg. No. 2012/R-23 (Regulation for the Protection of Baa Hanifaru Area) § 9(n), Annex 8.

452 Reg. No. 2018/R-105 (Protected Areas of Addu City) § 19, Annex 6.

453 Reg. No. 2018/R-106 (Protected Areas of Fuvahmulah City) § 15, Annex 7.

# APPENDICES

## APPENDIX 1: KEY DOMESTIC LEGAL INSTRUMENTS

### Governance & Law Enforcement

Constitution of the Maldives (2008)

Act No. 22/2010 (Judicature Act)

Act No. 4/2011 (Interpretation Act)

Act No. 17/2011 (Drugs Act)

Act No. 7/2010 (Decentralization of the Administration Divisions of the Maldives Act)

- First Amendment (Act No. 21/2010) to Act No. 7/2010
- Second Amendment (Act No. 2/2011) to Act No. 7/2010
- Third Amendment (Act No. 15/2015) to Act No. 7/2010
- Fourth Amendment (Act No. 17/2015) to Act No. 7/2010
- Fifth Amendment (Act No. 21/2015) to Act No. 7/2010
- Sixth Amendment (Act No. 40/2015) to Act No. 7/2010
- Seventh Amendment (Act No. 3/2017) to Act No. 7/2010
- Eighth Amendment (Act No. 24/2019) to Act No. 7/2010
- Ninth Amendment (Act No. 31/2020) to Act No. 7/2010

Act No. 10/2010 (Local Councils Elections Act)

- First Amendment (Act No. 8/2013) to Act No. 10/2010
- Second Amendment (Act No. 21/2016) to Act No. 10/2010
- Third Amendment (Act No. 25/2016) to Act No. 10/2010
- Fourth Amendment (Act No. 1/2017) to Act No. 10/2010
- Fifth Amendment (Act No. 1/2020) to Act No. 10/2010

Act No. 3/2020 (Local Council Elections Special Provision Act)

- First Amendment (Act No. 1/2021) to Act No. 3/2020

Act No. 5/2020 (Special Act to Ensure Decentralisation in the Maldives)

- First Amendment (Act No. 23/2020) to Act No. 5/2020

Act No. 9/2014 (Maldives Penal Code)

Act No. 34/2020 (Maldives Police Act)

Act No. 1/2008 (Armed Forces Act of 2008)

Act No. 8/2011 (Maldives Customs Act)

Reg. No. 2011/R-41 (Customs General Regulation)

### Ocean Jurisdiction

Act No. 6/1996 (Maritime Zones of Maldives Act)

- First Amendment (Act No. 22/2014) to Act No. 6/1996

## Environment & Conservation

Act No. 4/1993 (Environment Protection and Preservation Act of Maldives)

- First Amendment (Act No. 12/2014) to Act No. 4/1993

Reg. No. 2012/R-27 (Preparation of the EIA Report Regulation)

- First Amendment (Reg. No. 2013/R-18) to Reg. No. 2012/R-27
- Second Amendment (Reg. No. 2015/R-74) to Reg. No. 2012/R-27
- Third Amendment (Reg. No. 2016/R-66) to Reg. No. 2012/R-27
- Fourth Amendment (Reg. No. 2017/R-77) to Reg. No. 2012/R-27
- Fifth Amendment (Reg. No. 2018/R-131) to Reg. No. 2012/R-27

Reg. No. 2018/R-78 (Protected Areas Regulation)

Reg. No. 2012/R-23 (Regulation for Management of Hanifaru Marine Protected Area)

Reg. No. 2018/R-105 (Protected Areas of Addu City)

Reg. No. 2018/R-106 (Protected Areas of Fuvahmulah City)

Reg. No. 2021/R-25 (Protected Species Regulation)

Directive No. 1-96/34 (2 June 1996)

Directive No. 10-C/99/24 (11 July 1999)

Directive No. 10-ERC/2003/20 (22 May 2003)

Directive No. (IUL) 438-PPIRS/438/2013/135 (22 August 2013)

Directive No. (IUL) 438-ENV/438/2021/82 (23 March 2021)

Directive No. (IUL) 438-ECAS/438/2016/72 (4 April 2016)

Directive No. (IUL) 438-ECAS/438/2014/81 (9 June 2014)

Directive No. 10-ERC/2003/21 (22 May 2003)

Guideline for Sea Turtle Rehabilitation and Care

Act No. 21/1998 (Law Governing Plants in Inhabited Islands)

Act No. 12/2011 (Plant Protection Act)

Protection of Old Trees Regulation (2011)

Regulation for Uprooting, Removing and Transfer of Palms and Trees Between Islands (2006)

Reg. No. 2020/R-95 (Regulation of Uninhabited Islands of Maldives)

Reg. No. 2011/R-9 (Regulation for the determination of penalties and obtaining compensation for damages caused to the environment)

Act No. 9/2021 (Climate Emergency Act)

## Fisheries & Aquaculture

Act No. 14/2019 (Fisheries Act of the Maldives)

Reg. No. 2020/R-4 (Regulation on Port State Measures to Prevent, Deter, and Eliminate IUU Fishing)

Reg. No. 2020/R-75 (General Fisheries Regulation of the Maldives)

Reg. No. 2020/R-74 (Regulation on Administration of Penalties for Fisheries-Related Offences)

Reg. No. 2020/R-91 (Regulation on Issuing Permits for the Establishment of Fisheries Projects)

Reg. No. 2020/R-92 (Regulation on the General Process of Issuing of Licenses and Permits for Fishing, Fishing-Related Activities, and Aquaculture Activities)

Reg. No. 2020/R-93 (Regulation on the Establishment of Floor Prices for Fish Purchase)

Reg. No. 2020/R-94 (Aquaculture Regulation)

Reg. No. 2020/R-100 (Regulation on the Conduct of Marine Research in the Maldives)

## Maritime & Shipping

Act No. 69/1978 (Maritime Navigation Act)

- First Amendment (Act No. 35/2015) to Act No. 69/1978

Reg. No. 2016/R-6 (Local Vessel Registration Regulation)

Reg. No. 2017/R-2 (Regulation related to building vessels in Maldives that operate in Maldivian waters)

Act No. 3/2016 (Maldives Transport Authority Act)

Reg. No. 2020/R-114 (Regulation on Shipping Agencies)

Reg. No. 2-60/78 (Regulation on Public Ferry Services in Maldives)

## Land Use and Planning; Tourism

Act No. 1/2002 (Land Act of Maldives)

Act No. 20/1998 (Maldives Uninhabited Islands Act)

Act No. 2/1999 (Maldives Tourism Act)

- First Amendment (Act No. 3/2004) to Act No. 2/1999
- Second Amendment (Act No. 20/2010) to Act No. 2/1999
- Third Amendment (Act No. 5/2012) to Act No. 2/1999
- Fourth Amendment (Act No. 4/2014) to Act No. 2/1999
- Fifth Amendment (Act No. 5/2014) to Act No. 2/1999
- Sixth Amendment (Act No. 42/2014) to Act No. 2/1999
- Seventh Amendment (Act No. 8/2015) to Act No. 2/1999
- Eighth Amendment (Act No. 13/2016) to Act No. 2/1999
- Ninth Amendment (Act No. 13/2018) to Act No. 2/1999
- Tenth Amendment (Act No. 35/2020) to Act No. 2/1999

Regulation on the Protection and Conservation of Environment in the Tourism Industry (2006)

Reg. No. 2012/R-7 (Regulation for Determining the Lagoon Boundary for Islands Leased for the Development of Tourist Resorts, Tourist Hotels, Tourist Guesthouses and Yacht Harbours)

- First Amendment (Reg. No. 2014/R-18) to Reg. No. 2012/R-7
- Second Amendment (Reg. No. 2016/R-94) to Reg. No. 2012/R-7

Maldives Recreational Diving Regulation (2003)

## Cultural Heritage

Act No. 12/2019 (Maldives National Heritage Act)

## Public Finance; Trade; Blue Economy

Act No. 3/2006 (Public Finance Act)

- First Amendment (Act No. 25/2010) to Act No. 3/2006
- Second Amendment (Act No. 8/2012) to Act No. 3/2006
- Third Amendment (Act No. 2/2013) to Act No. 3/2006
- Fourth Amendment (Act No. 27/2014) to Act No. 3/2006
- Fifth Amendment (Act No. 38/2015) to Act No. 3/2006

Reg. No. 2017/ R-20 (Public Finance Regulation)

Act No. 7/2013 (Fiscal Responsibility Act)

Act No. 6/1981 (Maldives Monetary Authority Act)

Act No. 24/2010 (Maldives Banking Act)

Act No. 24/2014 (Special Economic Zones Act)

Act No. 31/1979 (Export Import Act of the Maldives)

- Eighteenth Amendment (Act No. 29/2020) to Act No. 31/1979

## Mining

Act No. 77/1978 (Law Governing Sandmining on Uninhabited Islands)

## Utilities

Act No. 4/1996 (Provision of Utility Services Act)

Act No. 8/2020 (Water and Sewerage Act)

Act No. 26/2020 (Utility Regulatory Authority Act)

Reg. No. 2021/R-22 (Regulation for Protection and Management of Water Resources)

Reg. No. 2015/R-219 (Regulation on Management Use and Storage of Oil)

Reg. No. 2021/R-20 (Regulation for Dewatering for Building and Industrial Projects)

## APPENDIX 2: KEY TREATIES AND INTERNATIONAL ARRANGEMENTS TO WHICH THE MALDIVES IS PARTY

Instrument	Ratification
<b>Maritime &amp; Fisheries</b>	
UN Convention on the Law of the Sea (UNCLOS)	2000
Agreement relating to the implementation of Part XI of UNCLOS	2000
Agreement for the Implementation of the Provisions of UNCLOS relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks	1998
Convention on the International Maritime Organization (IMO)	1967
Amendment to article 28 of the IMO Convention	1968
Amendment to articles 10, 16, 17, 18, 20, 28, 31 and 32 of the IMO Convention	1975
Amendments to the Title and Substantive Provisions of the IMO Convention	1980
Amendments to the IMO Convention relating to the Institutionalization of the Committee on Technical Co-operation in the Convention	1980
Amendments to Articles 17, 18, 20 and 51 of the IMO Convention	1980
Amendments to the IMO Convention (Institutionalization of the Facilitation Committee)	2005
International Convention for the Prevention of Pollution from Ships (MARPOL 73/78)	2005
International Regulations for Preventing Collisions at Sea 1972 (COLREGs)	1981
International Convention for the Safety of Life at Sea 1974 (SOLAS)	1981
Protocol of 1988 relating to SOLAS	2005
International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW)	1987
International Convention on Load Lines (CLL)	1968
Amendments to regulate 49(4)(b) of the CLL	1980
Amendments to Annex II of the CLL	1984
Convention for the suppression of unlawful acts against the safety of Maritime Navigation 1988 (SUA Convention)	2013
Protocol for the suppression of unlawful acts against the safety of fixed platforms located on the continental shelf 1988	2013/2014

Instrument	Ratification
International Convention for the Control and Management of Ships Ballast water and Sediments	2005
International Convention on Civil Liability for Oil Pollution Damage 1969 (CLC)	1981
Protocol of 1976 to the CLC	1981
Protocol of 1992 to the CLC	2005
International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage 1971 (FUND)	1981
Protocol of 1992 to amend FUND	2005
Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA)	2017
Agreement for the Establishment of the Intergovernmental Organization for Marketing Information and Technical Advisory Services for Fishery Products in the Asia and Pacific Region (INFOFISH)	1986
Agreement for the Establishment of the Indian Ocean Tuna Commission (IOTC)	2011
Agreement on the Network of Aquaculture Centres in Asia and the Pacific (NACA)	2014
International Agreement on the Use of INMARSAT Ship Earth Stations within the Territorial Sea and Ports	1994
Maritime Labour Convention	2014
International Convention on Tonnage Measurement of Ships 1969 (TONNAGE 1969)	1983
Seafarers Identity Documents Convention	2014
<b>Multilateral Environmental Agreements (MEAs)</b>	
Convention on Biological Diversity (CBD)	1992
Cartagena Protocol on Biosafety to the Convention on Biological Diversity	2002
Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization	2019
Convention on the Conservation of Migratory Species of Wild Animals (CMS or Bonn Convention)	2019
Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)	2012
United Nations Framework Convention on Climate Change (UNFCCC)	1992
Kyoto Protocol	1998
Doha Amendment	2015
Paris Agreement	2016
Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal	1992

Instrument	Ratification
Ban Amendment to the Basel Convention	2017
Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade	2006
United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa (UNCCD)	2002
Stockholm Convention on Persistent Organic Pollutants	2006
Vienna Convention for the Protection of the Ozone Layer	1988
Montreal Protocol on Substances that Deplete the Ozone Layer	1989
London Amendment to the Montreal Protocol	1991
Copenhagen Amendment to the Montreal Protocol	2001
Montreal Amendment to the Montreal Protocol	2001
Beijing Amendment to the Montreal Protocol	2002
Kigali Amendment to the Montreal Protocol	2017
<b>Other Agreements</b>	
Convention of the World Meteorological Organization (WMO)	1978
International Treaty on Plant Genetic Resources for Food and Agriculture	2006
International Plant Protection Convention (IPPC)	2006
Convention concerning the Protection of the World Cultural and Natural Heritage (World Heritage Convention)	1986
Indian Ocean and South-East Asian Memorandum of Understanding on Marine Turtles (IOSEA-MoU)	2010
Agreement on Establishing the SAARC Food Security Reserve	1987
Agreement on Establishing the SAARC Seed Bank	2016
SAARC Convention on Cooperation on Environment	2012
United Nations Convention Against Corruption (UNCAC)	2007
Vienna Convention on the Law of Treaties	2005

Most of the content contained in this Appendix is adapted from the List of Treaties provided by the Government of the Maldives as of December 2020, available at <https://www.gov.mv/en/files/treaties-list-december-2020.pdf>. The year provided is that of ratification or other equivalent action indicating consent to be bound.

## APPENDIX 3: PROTECTED AREAS OF THE MALDIVES

TOTAL(AREAS/Ha ctares) COUNT	OFFICIAL NAME	Alternative Names	ATOLL	DATE OF PROTECTION	AREA (Hactares)
					Total Area
					55693.69
					73
1	Makunudhoo Kandu Olhi	Makunudhoo Kandu Olhi/ Kuda Faru/ Manukudhoo channel	Male' Atoll (Noth)	27.09.1995	309
2	Rasfari Region	Rasfari Beyru	Male' Atoll	27.09.1995	2447
3	Thamburudhoo region	H.P Reef Region/ Thamburudhoo Thila Region/ Girifushi Thila Region	Male' Atoll	27.09.1995	318.46
4	Gaathugiri/ Aiydhashugiri	Banana Reef	Male' Atoll	27.09.1995	179
5	Giraavaru Kuda Haa	Kuda Haa	Male' Atoll	27.09.1995	260
6	Dhekunu Thilafalhuge Miyaruvani	Lions Head	Male' Atoll	27.09.1995	151
7	Gulhifalhu Medhugai onna kohlavaanee	Hans Hass Place	Male' Atoll	27.09.1995	10.78
8	Emboodhoo Kanduolhi	Embudu Channel	Male' Atoll	27.09.1995	621
9	Guraidhoo Kanduolhi	Guraidhoo Kanduolhi	Male' Atoll	27.09.1995	352
10	Mayaa Thila	Mayaa Thila	North Ari Atoll	27.09.1995	1028
11	Orimas Thila	Orimas Thila	North Ari Atoll	27.09.1995	1315
12	Mushimasmigili Thila	Fish Head	North Ari Atoll	27.09.1995	269
13	Kudarah Thila	Kudarah Thila	South Ari Atoll	27.09.1995	200
14	Miyaru Kandu	Devana Kandu	Vaavu Atoll	27.09.1995	1392
15	Fushifaru Thila	Fushifaru Thila/ Fushivaru Kandu	Lhaviyani Atoll	27.09.1995	883
16	Vilingili Thila	Anemone City	Raa Atoll	21.10.1999	266
17	Dhigali Haa and Dhigali Giri	Dhigali Giri / Horubadhoo thila	Baa Atoll	21.10.1999	289
18	Kuredhu Kanduolhi	Kuredhu Express	Lhaviyani Atoll	21.10.1999	913
19	Lankan Thila	Nassimo Thila	Male' Atoll	21.10.1999	267
20	Kashibeyru Thila	Kashibeyru Thila	North Ari Atoll	21.10.1999	1319
21	Faruhulhivalhi beyru	Rangali Kandu	South Ari Atoll	21.10.1999	751
22	Vattaru Kandu	Vattaru Region	Vaavu Atoll	21.10.1999	9781
23	Lhazikuraadi	Hakura Thila	Meemu Atoll	21.10.1999	200
24	Filitheyo Kandu	Filitheyo Kandu	Faafu Atoll	21.10.1999	168
25	Fushee Kandu	Fushee Kandu	Dhaalu Atoll	21.10.1999	2351
26	Eadhigali Kilhi and Koathey	Eadhigali Kilhi and Koathey	Addu Atoll	07.12.2004	194.98
27	Olhugiri	Olhugiri	Baa Atoll	14.06.2006	52.1
28	Hithaadhoo	GA. Hithaadhoo	Gaaf Alif Atoll	14.06.2006	53.3
29	Hurasdhoo	Hurasdhoo	South Ari Atoll	14.06.2006	514
30	Huraa Mangrove Area	Huraa Mangrove Area	Male' Atoll	14.06.2006	6
31	South Ari Marine Park (SAMPa)	South Ari Marine Park (SAMPa)	South Ari Atoll	05.06.2009	3845
32	Hanifaru Region	Hanifaru Region	Baa Atoll	05.06.2009	529
33	Angafaru Region	Angafaru Region	Baa Atoll	05.06.2009	769
34	Mendhoo Region	Mendhoo Region	Baa Atoll	05.06.2011	1188
35	Goidhoo Koaru Area	Goidhoo Koaru Area	Baa Atoll	05.06.2011	14.8
36	Maahuruvalhi Faru Region	Maahuruvalhi Reef Region	Baa Atoll	05.06.2011	1872.6
37	Bathalaa Region	Bathalaa Region	Baa Atoll	05.06.2011	3378
38	Mathifaru Huraa Region	Mathifaru Huraa Region	Baa Atoll	05.06.2011	752
39	The wreck of "Corbin"	The wreck of "Corbin"	Baa Atoll	05.06.2011	330
40	Bandaara kilhi and surrounding wetland area	Bandaara kilhi and surrounding wetland area	Gnaviyani Atoll	18.06.2012	42.18
41	Dhandimagu kilhi	Dhandimagu kilhi	Gnaviyani Atoll	18.06.2012	68.97
42	Thundi Area-Fuvahmulah	Thundi Area - Fuvahmulah	Gnaviyani Atoll	18.06.2012	28.82

43	Kandihera and Maa Kandu Olhi	Addu Manta Point / Kandihera Area	Seenu Atoll	13.09.2018	1332.54
44	British Loyalty	British Loyalty Shipwreck	Seenu Atoll	13.09.2018	57.21
45	AA. Madivaru	AA. Madivaru	Alif Alif Atoll	07.10.2018	410
46	G.Dh. Dhigulaabadhoo	G.Dh. Dhigulaabadhoo	Gaaf Dhaal Atoll	07.10.2018	486
47	Sh. Farukolhu	Sh. Farukolhu	Shaviyani Atoll	07.10.2018	510
48	H Dh. Keylakunu	Keylakunu	Haa Dhaalu	2018	236
49	H Dh. Neykurendhoo Wetland	Neykurendhoo Wetland	Haa Dhaalu	2018	74
50	H A. Baarah Wetland	Baarah Wetland	Haa Alifu	2018	51
51	H A. Gallandhoo	Gallandhoo Region	Haa Alifu	16.06.2019	252
52	H A. Bilehdhoo Thila	Bilehdhoo Region (including Innafinolu)	Haa Alif Atoll	16.06.2019	4354
53	H A. Kelaa Kandoofaa	Kelaa Kandoofaa Region	Haa Alifu Atoll	16.06.2019	112
54	H Dh. Finey Thila	Finey Thila Region	Haa Dhaalu Atoll	16.06.2019	98
55	H Dh. Innafushi	Innafushi Region	Haa Dhaalu Atoll	16.06.2019	1366
56	Sh. Bollissafaru	Bollissafaru Region	Shaviyani Atoll	16.06.2019	954
57	Sh. Naalaa Huraa finolhu	Naalaa Huraa Region	Shaviyani Atoll	16.06.2019	159
58	N. Foh Dhipparu finolhu	Foh Dhipparu Region	Noonu Atoll	16.06.2019	322
59	N. Kendhikulhudhoo Wetland	Kendhikulhudhoo Wetland Region	Noonu Atoll	16.06.2019	512
60	Orimas Thila	Orimas Thila Region	Noonu Atoll	16.06.2019	46.3
61	N. Bodulhaimendhoo	Bodulhaimendhoo Region	Noonu Atoll	16.06.2019	321
62	Farikede	Thresher Shark Point	Fuvahmulah	22.07.2020	636.75
63	Kuda Kandu	Kuda Kandu	Addu Atoll	22.09.2020	462.06
64	MaaKilhi and Fehele Kilhi	MaaKilhi and Fehele Kilhi	Addu Atoll	22.09.2020	25.5
65	Maafishi Kilhi	Maafishi Kilhi	Addu Atoll	22.09.2020	5.86
66	Mathi Kilhi	Mathi Kilhi / Mathi Kilhi Eco Garden	Addu Atoll	22.09.2020	56.13
67	Lh.Maagandu Thila (Anemone Thila)	Lh.Maagandu Thila (Anemone Thila)	Lhaviyani Atoll	08.10.2020	1556.47
68	Lh.Sehlifushi and Hiriyaadho	Lh.Sehlifushi and Hiriyaadho	Lhaviyani Atoll	08.10.2020	492
69	Lh.Maakoa	Lh.Maakoa	Lhaviyani Atoll	08.10.2020	61.54
70	Lh.Vavvaru, Dhandifalhu Finolhu and Dhandifalhu Kanduolhi	Lh.Vavvaru, Dhandifalhu Finolhu and Dhandifalhu Kanduolhi	Lhaviyani Atoll	08.10.2020	687.47
71	Lh.Dhashugiri finolhu	Lh.Dhashugiri finolhu	Lhaviyani Atoll	08.10.2020	330.37
72	Maldives Victory Wreck	Maldives Victory Wreck	Kaafu Atoll	13.02.2021	4.75
73	K.Kaashidhoo Wetland	K.Kaashidhoo Wetland	Kaafu Atoll	13.02.2021	42.75

This appendix is adapted from the list of protected areas maintained by the Ministry of Environment, Climate Change, and Technology, available at <https://www.environment.gov.mv/v2/en/download/11475> (list last updated on 6 April 2021).

# APPENDIX 4: PROTECTED MARINE FAUNA AND FLORA OF THE MALDIVES

## 4A: Species Protected Pursuant to the Environment Protection and Preservation Act

Scientific Name	Common Name
<b>Reptiles</b>	
<i>Eretmochelys imbricata</i>	Hawksbill turtle
<i>Chelonia mydas</i>	Green sea turtle
<i>Lepidochelys olivacea</i>	Olive ridley turtle
<i>Dermochelys coriacea</i>	Leatherback turtle
<i>Caretta caretta</i>	Loggread turtle
<i>Melanochelys trijuga thermalis</i>	Black turtle
<b>Fish</b>	
Batoidea (All ray species)	Rays and Skates
<b>Birds</b>	
<i>Ichthyaetus leucophthalmus</i>	White-eyed Gull
<i>Chroicocephalus brunnicephalus</i>	Brown-headed Gull
<i>Larus fuscus heuglini</i>	Heuglin's Gull
<i>Larus cachinnans</i>	Yellow-legged Gull/Caspian Gull
<i>Chroicocephalus ridibundus</i>	Black-headed Gull
<i>Ichthyaetus ichthyaetus</i>	Pallas's Gull
<i>Vanellus gregarius</i>	Sociable Lapwing
<i>Tringa nebularia</i>	Common Greenshank
<i>Limosa Limosa</i>	Black-tailed Godwit
<i>Himantopus himantopus</i>	Black-winged Stilt
<i>Calidris ferruginea</i>	Curlew Sandpiper
<i>Lymnocyptes minimus</i>	Jack Snipe
<i>Tringa stagnatilis</i>	Marsh Sandpiper
<i>Numenius arquata</i>	Eurasian Curlew
<i>Plegadis falcinellus</i>	Glossy Ibis
<i>Numenius phaeopus</i>	Whimbrel
<i>Circus macrourus</i>	Pallid Harrier
<i>Pandion haliaetus</i>	Osprey
<i>Circus aeruginosus</i>	Western Marsh Harrier
<i>Circus pygargus</i>	Montagu's Harrier
<i>Calonectris leucomelas</i>	Streaked Shearwater
<i>Puffinus lherminieri</i>	Audubon's Shearwater
<i>Ardenna carneipes</i>	Flesh-footed Shearwater
<i>Ardenna pacifica</i>	Wedge-tailed Shearwater

Scientific Name	Common Name
<i>Ardea cinerea</i>	Grey Heron
<i>Ardea melanocephala</i>	Black-headed Heron
<i>Ardea purpurea</i>	Purple Heron
<i>Egretta garzetta</i>	Little Egret
<i>Ardea alba</i>	Great Egret
<i>Bubulcus ibis</i>	Cattle Egret
<i>Botaurus stellaris</i>	Great Bittern
<i>Ixobrychus cinnamomeus</i>	Cinnamon Bittern
<i>Ixobrychus flavicollis</i>	Black Bittern
<i>Butorides striatus didii phillipsi</i>	Central Maldivian Heron
<i>Nycticorax nycticorax</i>	Black-crowned Night Heron
<i>Ixobrychus sinensis</i>	Yellow Bittern
<i>Egretta gularis</i>	Western Reef Egret
<i>Butorides striatus albidulusi</i>	Maldivian Little Heron
<i>Dendrocygna bicolor</i>	Fulvous Whistling Duck
<i>Aythya fuligula</i>	Tufted Duck
<i>Anas crecca</i>	Common Teal
<i>Anas acuta</i>	Northern Pintail
<i>Spatula clypeata</i>	Northern Shoveler
<i>Aythya nyroca</i>	Ferruginous Pochard
<i>Anas querquedula</i>	Garganey
<i>Ardeola grayii phillipsi</i>	Maldivian Pond Heron
<i>Hirundo rustica</i>	Carn Swallow
<i>Riparia riparia</i>	Sand Martin
<i>Apus pallidus</i>	Pallid Swift
<i>Apus apus</i>	Common Swift
<i>Apus affinis</i>	Indian House Swift
<i>Delichon urbicum</i>	Northern House Martin
<i>Motacilla cinerea</i>	Grey Wagtail
<i>Motacilla flava</i>	Western Yellow Wagtail
<i>Anthus trivialis</i>	Tree Pipit
<i>Anthus cervinus</i>	Red-throated Pipit
<i>Buteo buteo</i>	Common Buzzard
<i>Pernis ptilorhyncus</i>	Oriental Honey-buzzard
<i>Elanus caeruleus</i>	Black-winged Kite
<i>Falco tinnunculus</i>	Common Kestrel
<i>Falco amurensis</i>	Amur Falcon
<i>Falco naumanni</i>	Lesser Kestrel
<i>Falco subbuteo</i>	Eurasian Hobby
<i>Merops apiaster</i>	European Bee-eater

Scientific Name	Common Name
<i>Eudynamys scolopacea</i>	Asian Koel
<i>Fulica atra</i>	Common Coot
<i>Dromas ardeola</i>	Crab-plover
<i>Sterna bergii</i>	Great Crested Tern
<i>Phoenicopterus ruber</i>	Greater Flamingo
<i>Charadrius hiaticula</i>	Common Ringed Plover
<i>Sterna hirundo</i>	Common Tern
<i>Sula leucogaster</i>	Brown booby
<i>Pluvialis fulva</i>	Pacific Golden Plover
<i>Charadrius leschenaultii</i>	Greater Sand Plover
<i>Pluvialis squatarola</i>	Grey Plover
<i>Gelochelidon nilotica</i>	Gull-billed Tern
<i>Sterna sumatrana</i>	Black-naped Tern
<i>Gygis alba</i>	White Tern
<i>Gallinula chloropus</i>	Common Moorhen
<i>Platalea leucorodia</i>	Eurasian Spoonbill
<i>Passer domesticus</i>	House Sparrow
<i>Charadrius alexandrinus</i>	Kentish Plover
<i>Anous stolidus</i>	Brown Noddy
<i>Onychoprion anaethetus</i>	Bridled Tern
<i>Hydroprogne caspia</i>	Caspian Tern
<i>Oceanites oceanicus</i>	Wilson's Storm-petrel
<i>Amaurornis phoenicurus maldivus</i>	Maldivian Water Hen
<i>Phaethon lepturus</i>	White-tailed Tropicbird
<i>Fregata minor</i>	Great Frigatebird
<i>Fregata ariel</i>	Lesser Frigatebird
<i>Thalasseus bengalensis</i>	Lesser Crested Tern
<i>Pluvialis dominica</i>	Lesser Golden Plover
<i>Arenaria interpres</i>	Ruddy Turnstone
<i>Sternula saundersi</i>	Saunders's Tern
<i>Onychoprion fuscatus</i>	Sooty Tern
<i>Pelecanus philippensis</i>	Spot-billed Pelican
<i>Gallicrex cinerea</i>	Watercock
<i>Sula dactylatra</i>	Masked Booby
<i>Chlidonias hybrida</i>	Whiskered Tern
<i>Sula sula</i>	Red-footed Booby
<i>Sterna dougallii</i>	Roseate Tern
<i>Charadrius mongolus</i>	Lesser Sand Plover
<i>Anous tenuirostris</i>	Lesser Noddy
<i>Dendrocygna javanica</i>	Lesser Whistling

Scientific Name	Common Name
<i>Nettapus coromandelianus</i>	Cotton Teal
<i>Phoenicopterus roseus</i>	Greater Flamingo
<i>Streptopelia turtur</i>	European Turtle Dove
<i>Streptopelia orientalis</i>	Oriental Turtle Dove
<i>Spilopelia suratensis</i>	Western Spotted Dove
<i>Phaeothon aethereus</i>	Red-billed Tropicbird
<i>Phaeothon rubrucauda</i>	Red-tailed Tropicbird
<i>Caprimulgus indicus</i>	Jungle Nightjar
<i>Hirundapus caudacutus</i>	White-throated Needletail
<i>Aerodramus unicolor</i>	Indian Swiftlet
<i>Apus pacificus</i>	Pacific Swift
<i>Clamator coromandus</i>	Chestnut-winged Cuckoo
<i>Cacomantis passerinus</i>	Grey-bellied Cuckoo
<i>Cuculus micropterus</i>	Indian Cuckoo
<i>Cuculus canorus</i>	Common Cuckoo
<i>Pelagodroma marina</i>	White-faced Storm-petrel
<i>Fregetta sp.</i>	Storm-petrel
<i>Hydrobates castro</i>	Band-rumped Storm-petrel
<i>Hydrobates leucorhous</i>	Leach's Storm-petrel
<i>Hydrobates monorhis</i>	Swinhoe's Storm-petrel
<i>Ardenna tenuirostris</i>	Short-tailed Shearwater
<i>Ardenna grisea</i>	Sooty Shearwater
<i>Puffinus persicus</i>	Persian Shearwater
<i>Bulweria bulwerii</i>	Bulwer's Petrel
<i>Bulweria fallax</i>	Jouanin's Petrel
<i>Pelecanus onocrotalus</i>	Great White Pelican
<i>Butorides striata chloriceps</i>	Little Heron
<i>Ardeola grayii grayii</i>	Indian Pond Heron
<i>Ardea intermedia</i>	Intermediate Egret
<i>Threskiornis melanocephalus</i>	Black-headed Ibis
<i>Papasula abbotti</i>	Abbott's Booby
<i>Phalacrocorax fuscicollis</i>	Indian Cormorant
<i>Anhinga melanogaster</i>	Oriental Darter
<i>Haematopus ostralegus</i>	Eurasian Oystercatcher
<i>Charadrius dubius</i>	Little Ringed Plover
<i>Charadrius asiaticus</i>	Little Ringed Plover
<i>Limosa lapponica</i>	Bar-tailed Godwit
<i>Calidris pugnax</i>	Ruff
<i>Calidris temminckii</i>	Temminck's Stint
<i>Calidris subminuta</i>	Long-toed Stint

Scientific Name	Common Name
<i>Calidris alba</i>	Sanderling
<i>Calidris alpina</i>	Dunlin
<i>Calidris minuta</i>	Little Stint
<i>Gallinago stenura</i>	Pintail Snipe
<i>Gallinago megala</i>	Swinhoe's Snipe
<i>Gallinago gallinago</i>	Common Snipe
<i>Xenus cinereus</i>	Terek Sandpiper
<i>Actitis hypoleucos</i>	Common Sandpiper
<i>Tringa ochropus</i>	Green Sandpiper
<i>Tringa erythropus</i>	Spotted Redshank
<i>Tringa totanus</i>	Common Redshank
<i>Tringa glareola</i>	Wood Sandpiper
<i>Phalaropus sp.</i>	Phalarope
<i>Glareola pratincola</i>	Collared Pratincole
<i>Glareola maldivarum</i>	Oriental Pratincole
<i>Stercorarius longicaudus</i>	Long-tailed Skua
<i>Stercorarius parasiticus</i>	Arctic Skua
<i>Stercorarius pomarinus</i>	Pomarine Skua
<i>Stercorarius maccormicki</i>	South Polar Skua
<i>Stercorarius antarcticus</i>	Brown Skua
<i>Ichthyaetus hemprichii</i>	Sooty Gull
<i>Larus fuscus barabensis</i>	Steppe Gull
<i>Sternula albifrons</i>	Little Tern
<i>Chlidonias leucopterus</i>	White-winged Tern
<i>Sterna repressa</i>	White-checked Tern
<i>Thalasseus sandvicensis</i>	Sandwich Tern
<i>Pernis sp.</i>	Honey Buzzard
<i>Haliastur indus</i>	Brahminy Kite
<i>Milvus migrans</i>	Black Kite
<i>Buteo sp.</i>	Buzzard
<i>Otus brucei</i>	Pallid Scops Owl
<i>Asio flammeus</i>	Short-eared Owl
<i>Upupa epops</i>	Common Hoopoe
<i>Merops philippinus</i>	Blue-tailed Bee-eater
<i>Merops persicus</i>	Blue-cheeked Bee-eater
<i>Coracias benghalensis</i>	Indian Roller
<i>Coracias garrulus</i>	European Roller
<i>Alcedo atthis</i>	Common Kingfisher
<i>Falco severus</i>	Oriental Hobby
<i>Falco peregrinus</i>	Peregrine Falcon

Scientific Name	Common Name
<i>Coracina macei</i>	Indian Cuckooshrike
<i>Oriolus kundoo</i>	Indian Golden Oriole
<i>Artamus fuscus</i>	Ashy Woodswallow
<i>Lanius cristatus</i>	Brown Shrike
<i>Lanius phoenicuroides</i>	Red-tailed Shrike
<i>Lanius schach</i>	Long-tailed Shrike
<i>Terpsiphone paradisi</i>	Indian Paradise-flycatcher
<i>Dendronanthus indicus</i>	Forest Wingtail
<i>Motacilla citreola</i>	Citrine Wagtail
<i>Motacilla alba</i>	White Wagtail
<i>Carpodacus erythrinus</i>	Common Rosefinch
<i>Emberiza hortulana</i>	Ortolan Bunting
<i>Calandrella dukhunensis</i>	Sykes's Short-toed Lark
<i>Petrochelidon fluvicola</i>	Streak-throated Swallow
<i>Cecropis daurica</i>	Red-rumped Swallow
<i>Riparia chinensis</i>	Grey-throated Martin
<i>Sturnus vulgaris</i>	Common Starling
<i>Pastor roseus</i>	Rosy Starling
<i>Saxicoloides fulicatus</i>	Indian Robin
<i>Oenanthe oenanthe</i>	Northern Wheatear
<i>Oenanthe isabellina</i>	Isabelline Wheatear
<i>Oenanthe pleschanka</i>	Pied Wheatear
<i>Turdus obscurus</i>	Eyebrowed Thrush

## 4B: Species Protected Pursuant to the Fisheries Act

Scientific Name	Common Name
Infraorder: Cetacea	Cetaceans
Infraorders: Astacidea and Achelata	Berried lobsters
Genus: <i>Panulirus</i>	Lobsters with a carapace smaller than 7.6 centimetres in length (length measured from the rear of the eye socket to the rear of the carapace on a line parallel to the center line of the body shell)
Genus: <i>Tridacna</i>	Giant clam
Super order: Selachimorpha	Sharks
Super order: Batoidea	Rays
Phylum: Cnidaria, class: Anthozoa	Corals
Family: Scaridae	Parrotfishes
<i>Cheilinus undulatus</i>	Napoleon wrasse
Superfamily: Chelonioidea	Sea turtles and their eggs
Order: Antipatharia	Black coral
Family: Rhinocodontidae	Whale shark
<i>Charonia tritonis</i>	Triton conch