

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ



Ministry of Fisheries, Marine Resources and Agriculture
Male', Republic of Maldives

Regulation on Conduction of Marine Research in the Maldives

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DRAFT UNOFFICIAL TRANSLATION

The Government of Maldives shall not accept any liability or responsibility arising out of any reliance on the translation contained herein. In the event of conflict between the translations contained herein and the *Dhivehi* text, the latter shall prevail for all purposes.

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Regulation on Conduction of Marine Research in the Maldives

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| Introduction and Name | 1. (a) This Regulation has been made pursuant to Section 22 (a) and (b) (13) of Act no. 14/2019 (Fisheries Act of the Maldives).

(b) This Regulation shall be cited as "Regulation on Conduction of Marine Research in the Maldives". |
| Objectives | 2. The objective of this Regulation is to monitor all marine and fisheries research conducted within the maritime zones of Maldives and to facilitate the conduction of marine research on the marine environment and its resources, in accordance with the United Nations Convention on the Law of the Seas (UNCLOS), the Constitution of the Republic of Maldives and the Laws and Regulations of Maldives. |
| Exceptions | 3. The following research activities falling within the scope of this Regulation, shall be exempt from this Regulation.

(a) All research relating to the marine environment and marine organisms conducted by the Ministry;
(b) Research conducted by parties in collaboration with the Ministry;

(c) Research conducted by other Government agencies to fulfil their mandate;

(d) Research and surveys conducted within the scope of Environment Impact Assessments; and

(e) Desk reviews conducted without active research or field surveys relating to the marine environment or marine organisms, or without direct communications with parties engaged in fishing. |
| Requesting for research permit | 4. (a) Permit must be obtained via the designated online portal or the form designated for such permits, prior to conducting any research within the maritime zones of the Maldives that fall within the scope of this Regulation.

(b) The following documents shall be submitted along with the application form for research. |

- (1) If a permit is required to conduct the research by any other Government agency, such a permit;
 - (2) Details of the party responsible for the research;
 - (3) CVs of parties in the research team;
 - (4) Passport copies of foreigners in the research team.
- (c) Parties that wish to carry out research pursuant to this Regulation shall request for the permit at least 2 (Two) months prior to the commencement of the research.
- (d) Upon evaluation of the application, the Ministry shall inform the applicant of any issues, or incomplete information or any reservations the Ministry has with regards to the conduction of the research, within 1 (One) month from the date of submission of the application.
- (e) The Ministry shall ensure that parties applying for a permit to carry out research pursuant to this Regulation are capable of carrying out such a research. The following shall be considered in determining their competence.
- (1) The relevant academic and professional qualifications;
 - (2) Scientific publications relevant to the research for which the permit is requested,;
 - (3) CVs of parties in the research team and previous scientific research conduct by them;
 - (4) Resources required for the research and their availability.
- Issuing the permit and application fees**
5. (a) Permits issued pursuant to this Regulation shall be issued upon the payment of an administrative fee of 1,500/- (One Thousand Five Hundred) Rufiyaa.
- (b) Notwithstanding Subsection (a) above, the Ministry has the discretion to issue permits to the following parties without an administrative fee.

- (1) Students carrying out a research as a part of their syllabus of a course administered in a Maldivian college or university.
- (2) Maldivian students carrying out a research as a part of their syllabus of a course administered in a foreign college or university.
- (c) The Ministry has the discretion to not issue a research permit to an applicant if they are in default of payment of a fine or has not been making regular payments towards such a fine that may have been imposed on them for acting in contravention of the Act No. 14/2019 (Fisheries Act of the Maldives) or a Regulation or a Fisheries Management Plan made thereunder.
- Tenure of permit**
6. (a) Research permits issued pursuant to this Regulation shall be for a maximum of 1 (one) year.
- (b) Notwithstanding Subsection (a) above, if the research is to be continued following the expiry of the given (1) one year, an request may be made to renew the permit along with the following documents, 1 (one) month before the expiration of the permit.
- (1) Application form for research permit
- (2) Report on research activities carried out over the past 12 (Twelve) months.
- (3) A copy of any scientific papers or grey literature published following the research (If it is in the process of being published, this shall be notified and a copy of it shall be submitted as soon as it is published).
- (4) Any video documentary that is produced relating to the research,
- Delaying of the commencement of a research**
7. (a) If, for any reason, the commencement date of a research needs to be delayed, it shall be informed to the Ministry in writing, 14 (Fourteen) days prior to the authorized commencement date.
- (b) Submissions made pursuant to Section (a) above, shall include the following information.
- (1) Reason for delaying the research;

- (2) Projected commencement date;
 - (3) Any further changes made to the application, provided that no changes are made to the methodology, scope and area of research.
 - (c) It is the responsibility of the party permitted to carry out the research to secure any permits that may be required by any other government agency in relation to the submission for delaying the commencement date of the research as stipulated in Subsection (a) herein.
- Permitting foreigners to conduct research**
- 8. (a) Foreign individuals may only be permitted to conduct research within the maritime zones of the Maldives under this Regulation, , with a permit or an agreement or an endorsement for such research from a university or a college or a research lab or any such educational institution or an organization that conduct such activities.
 - (b) With the exemption of organizations conducting research activities under an official agreement between the Ministry or another Government agency , all foreign organizations shall carry out marine research in the maritime zones of the Maldives only upon the registration of their organization in the Maldives, as per the laws of the Maldives.
- Transferring the permit to another party**
- 9. Research permits issued pursuant to this Regulations, or any rights or privileges that the permitholder may receive under such a permit, may not be transferred to another party.
- General requirements for issuing permit**
- 10. (a) All permitholders shall ensure the following requirements are met during the tenure of the permit.
 - (1) Act in accordance with the conditions of the permit;
 - (2) Act in accordance with this Regulation;
 - (3) Ensure permit is kept on the vessel or site where the research is conducted;
 - (4) Present the permit, upon request, to any persons appointed by the Ministry to monitor the progress of research or any enforcement agency of the government.

(5) Submission of a preliminary report to the Ministry, within 2 (Two) months from the date of expiry of the permit issued pursuant to this Regulation.

- (b) The Ministry has the discretion to include conditions for permits other than what is stipulated in Subsection (a) herein, upon consideration of individual permits issued under this Regulation and research conducted under those permits.

Management of issued permits

11. The Ministry shall compile and keep up-to-date a registry of permits issued pursuant to this Regulation. The registry must include the following information.

- (a) Parties seeking permits pursuant to this Regulation;
- (b) Details of permits issued, renewed, withheld/suspended and revoked pursuant to this Regulation;
- (c) Information on permitholders;
- (d) Permitted activities/fields;
- (e) Reports and other information with regards to the research submitted by the researchers.

Collection and utilisation of data

12. (a) The report compiled by permitholders based on their findings and information or statistics or data collected during their research, must be shared with the Ministry.

- (b) Information shared with the Ministry by researchers pursuant to Subsection (a) herein may be used by the Ministry for official purposes of the Government.

- (c) Information requested by the Ministry as a condition of a permit shall be provided by all permitholders to the Ministry as stipulated in such permits issued pursuant to this Regulation.

- (d)

Information provided, collected or maintained to provide to the Ministry, shall be accurate and complete. Such information provided to the Ministry must not be falsified or inaccurate.

**Monitoring of
Research and
enforcement**

13. (a) If the Ministry wishes to place a designated person at the research site or vessel to observe research activities, all necessary arrangements shall be made by permitholders to facilitate this.
- (b) The permitholder shall arrange the following with regards to placing a designated person at the research site or onboard as stipulated in Subection (a) herein, including the coverage of all associated costs;
- (1) Arrangements for food and accommodation as provided to other persons taking part in research;
 - (2) Ensure their safety and security;
 - (3) Cost of transportation to the research site or vessel and arrangements relating to obtaining any permits required for such visits ;
 - (4) Facilitate work related communications if needed,
- (c) If a person from the Ministry placed at the research site or vessel, as stipulated in Subsection (a) herein, is harmed/injured due to permitholder's failure to fulfil the said arrangements or due to their negligence, the full responsibility (including the cost of medical expenses if necessary) shall be borne by the research permit holder.
- (d) The following may be carried out by a Fisheries Ranger appointed by the Ministry, to observe research activities and ensure that the activities that fall within the scope of this Regulation are carried out in accordance with this Regulation.
- (1) Conduct an inspection in the event where a research that falls within the scope of this Regulation is in progress, or is believed to be in progress;
 - (2) In the event where a research that falls within the scope of this Regulation is in progress, or is believed to be in progress, examine and take copies of information, documents or records collected for research purposes;
 - (3) Ask for information from parties related or believed to be related to an activity within the scope of this Regulation.
 - (4) Ask for personal information such as names, the National Identification Card number, passport

number, date of birth or residential address from parties operating or believed to be operating any activity with the permission granted under this Regulation.

Extraction of samples and exporting samples for research purposes

14. (a) It is prohibited to take any species other than what is permitted pursuant to this Regulation. It is also prohibited to collect any samples in quantities more than the amounts specified in the permit.

- (b) Any samples collected for research purposes can be exported only after acquiring a letter of no objection from the Ministry.

Discovery of an item that could potentially be classified as cultural heritage

15. (a) If any item that may be classified as a cultural heritage is discovered by a research permitholder during the research process, it shall be reported to the relevant government institution in accordance with the Regulation No. R-37/2020 (Regulation on Protection of Cultural Heritages of the Maldives).

- (b) It is prohibited to take any item or a part of any such items stipulated in Subsection (a) herein, without authorisation.

Prohibited activities

16. The permitholder shall not commit any of the following during any phase of the research:

- (a) Violate any permit conditions;
- (b) Take any specimens or species other than what is authorized under the permit issued pursuant to this Regulation;
- (c) Take samples in quantities more than the amounts specified in the permit.
- (d) Use a research method other than what is specified in the application form submitted for authorization of research;
- (e) Conduct a research other than what is authorized under this Regulation or collection of data/information/statistics that is not stipulated in the permit;
- (f) Use the information collected during research, for any financial gain or promotion of an activity or activities for financial gain without the authorization of the Ministry;
- (g) Act in contravention of any international conventions that the Maldives is party to in the use of or in obtaining any

benefit from genetic resources taken within the maritime zones of the Maldives.

Penalties

17. (a) It shall be an offense to conduct an act that is prohibited under this Regulation, or to conduct any act contrary to the manner stipulated in this Regulation.

It shall be an offense to conduct an act that is prohibited under this Regulation, or to conduct any act in contravention of this Regulation.

- (b) Persons committing an offense stipulated in Subsection (a) herein, shall be penalized as per the procedures set forth in Regulation No. R-74/2020 (Regulation on administration of penalties for fisheries related offences).
- (c) If a vessel had been used to commit any offense stipulated in Subsection (a) herein, the Ministry has the discretion to impose a fine separately for each of the owner or operator or master or captain of the vessel, under Regulation No.: R-74/2020 (Regulation on administration of penalties for fisheries related offences), pursuant to Subsection (b) herein..
- (d) Penalties for offences that warrant administrative measures stipulated in Schedule 1 herein, shall be in accordance with the aforementioned Schedule.

Revocation or suspension of permit

18. (a) Under the following circumstances, the Ministry has the power to, without any further notice, suspend the research permit for a period of time or revoke the permit or ask to amend the research method or process or make amendments to a condition of the permit or add a permit condition or conditions.

- (1) Acting in contravention of the Constitution, laws or regulations of the Republic of Maldives;
- (2) Acting in contravention of this Regulation;
- (3) Violating a condition or conditions of a permit issued pursuant to this Regulation;
- (4) If the Ministry believes that, due to the nature of the research or any other reason, the research may cause

an unacceptable/unreasonable degree of harm to the environment or a marine organism or their population or habitat,

- (5) If the Ministry is informed by the relevant Government authorities, of any permitholder pursuant to this Regulation, or an employee or employees or any other person acting under the instructions of the permitholder; being involved in any form, in any activities that may endanger the public wellbeing or the national security of the Maldives.

**Compensating
permitholders**

19. The Ministry shall not be liable to compensate for any parties that have their permit revoked in accordance with this Regulation; or may not have their licenses renewed due to unforeseen circumstances or measures taken to protect the environment or a recent amendment made to the permit conditions.

Definitions

20. (a) Unless otherwise expressly provided herein, the following terms shall be defined as follows.

- (a) "Ministry" shall mean, the government institution responsible for all things related to fisheries, including those things done for the purposes of aquaculture.
- (b) "Sea" means Maldives internal waters, archipelagic waters, territorial sea, exclusive economic zone and sea floor of these areas, as stipulated in the Act No.: 6/96 (Maldives Maritime Zones Act).
- (c) "Research conducted in collaboration with the Ministry" means research conducted under an official agreement or a Memorandum of Understanding (MoU) with the Ministry.
- (d) "Research" means conducting research and collecting data on the maritime zones, marine organisms, marine resources, fishing and fishing related activities, marine environment, or marine ecosystem of the Maldives.
- (e) "Survey" means, collecting any information with regard to anything that falls within the scope of

“Research” in this Regulation, through interviews, emails or electronic forms.

- (f) “Maritime zones of the Maldives” means Maldives internal waters, archipelagic waters, territorial sea and exclusive economic zone as stipulated in the Act No.: 6/96 (Maldives Maritime Zones Act).
- (g) “Maldivians” means citizens, including natural persons and legal persons, of the Maldives as defined in the Constitution of the Republic of Maldives.
- (h) “Marine organisms” means, all organisms living in fresh waters, salt waters, or the sea, whether animal or plant, or whether having a characteristic of a fish or not. Vertebrates, invertebrates, shellfish, turtles, lobsters and crabs; and the juveniles, larvae and eggs of such organisms are included within this meaning.

Commencement

21. This Regulation shall come into force from the date it is published on the Maldivian Government Gazette.

Schedule 1

Offences with determined fines as penalties and measures

#	Activity	Fine Amount	Repentance of offence
1.	Carrying out a research without a valid permit issued under this Regulation	5,000/- Rufiyaa	A fine of 5,000/- for repentance and decision to cease issuance of a permit for a period of 3 (Three) years.
2.	Violating a condition of the research permit	2,000/- Rufiyaa	A fine of 2,000/- for repentance and decision to cease issuance of a permit for a period of 3 (Three) years.