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Legal report on the ecosystem approach to fisheries in the Gambia

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

FAO EAF-Nansen Programme Report No. 48
EAF-N/PR/48 (En)

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

PROGRAMME REPORT

THE EAF-NANSEN PROGRAMME

The EAF-Nansen Programme “Supporting the Application of the Ecosystem Approach to Fisheries Management considering Climate and Pollution Impacts” supports partner countries and regional organizations in Africa and the Bay of Bengal improving their capacity for the sustainable management of their fisheries and other uses of marine and coastal resources through the implementation of the Ecosystem Approach to Fisheries (EAF), taking into consideration the impacts of the climate and pollution.

The Programme is executed by the Food and Agriculture Organization of the United Nations (FAO) in close collaboration with the Institute of Marine Research (IMR) of Bergen, Norway, and funded by the Norwegian Agency for Development Cooperation (Norad). This Programme is the current phase of the Nansen Programme which started in 1975.

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policy and legal instruments of the Gambia**

By Julia N. Nakamura and Teresa Amador

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Abstract

Legislating for the ecosystem approach to fisheries (EAF) is complex, due to the holistic nature of the EAF involving multiple factors that underpin the social, economic, environmental, and institutional aspects of fisheries sustainability. These factors include ecosystems integration, risks, inter-sectoral collaboration, research, participatory processes, monitoring, control, surveillance, and enforcement, among others. To assess how the EAF is being implemented through national policy and legal frameworks, FAO developed [*A diagnostic tool for implementing an ecosystem approach to fisheries through national policy and legal frameworks*](#).

The present legal report on the EAF used the diagnostic tool to assess the alignment of selected policy and legal instruments of the Gambia with the EAF. This assessment analysed the extent to which 82 EAF legal requirements, which are considered the minimum standards in legislating for the EAF, are reflected in the Gambia's policies and legislation relevant to the fisheries sector of the country and other relevant sectors (such as environment, wildlife, ecosystems, and maritime affairs). Based on this preliminary diagnosis, gaps were identified in the assessed instruments, and recommendations were made for improving the implementation of the EAF.

This report was elaborated following a participatory approach with the involvement of the national competent authorities of the Gambia. Drafted in July 2021, the report was submitted to the national authorities of the Gambia in November 2021. The Gambia Fisheries Department endorsed this EAF Legal Report of the Gambia in April 2022.

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The initial draft of this EAF Legal Report was prepared by Julia Nakamura, under the supervision, counsel and technical input of Pio Manoa, and extensively reviewed by Teresa Amador. Further improvements were made through the inputs and comments collected from participants in an FAO internal online mock-training in April 2020, in which the methodology and scope were clarified. Appreciation is extended to Blaise Kuemlanguan, Buba Bojang and Minmin Lei of LEGN, Merete Tandstad of NFIFM, the participants of the mock-training, and all other FAO colleagues who supported the development of this EAF Legal Report.

This EAF Legal Report also benefited from the important contributions of the Research and Development Unit of the Fisheries Department of the Gambia, which provided substantive additional information valuable to this report. We are also grateful to the delegates of the Gambia who, following the *First Online regional workshop on the use of the Diagnostic Toll on Implementing an EAF through policy and legal frameworks* (15–17 September 2020), have conducted their own assessment, applying the EAF Legal Checklist against selected policies and legislation of the Gambia. The findings of this country assessment were incorporated into the present EAF Legal Report, improving the overall information reported.

Abbreviations and acronyms

CFC	Community Fisheries Centres (of the Gambia)
DPWM	Department of Parks and Wildlife Management
EAF	ecosystem approach to fisheries
EIA	environmental impact assessment
FAO	Food and Agriculture Organization of the United Nations
FMP	fishery management plan
GBoS	Gambia Bureau of Statistic
GMA	Gambia Maritime Authority
IMO	International Maritime Organization
IUU	illegal, unreported and unregulated (fishing)
MCSE	monitoring, control, surveillance and enforcement
MPA	marine protected area
NGO	non-governmental organization
RFMO/A	regional fisheries management organization and/or arrangement
TAC	total allowable catch
VMS	vessel monitoring system

1. Introduction: legislating for the ecosystem approach to fisheries

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

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

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

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

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

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

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

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

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

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

In light of these considerations, Table 1 below provides the present status of the Gambia in respect to the EAF’s relevant international legally binding instruments selected from Appendix A of the EAF Legal Diagnostic Tool.

Instrument	Status
1971 Ramsar Convention on Wetlands of International Importance	Party
1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora	Party
1979 Convention on the Conservation of Migratory Species of Wild Animals	Party
1982 United Nations Convention on the Law of the Sea	Party
1992 Convention on Biological Diversity	Party
1993 Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (Compliance Agreement)	Not a Party
1995 United Nations Agreement for the Implementation of the Provisions of the LOSC relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA)	Not a Party
2009 Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing	Party

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

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

With regard to the Compliance Agreement and the UNFSA that the Gambia is **not yet a Party**, it is important to identify and analyse the reasons preventing the country’s consent to be bound by such instruments and raise awareness to the importance of the international fisheries governance framework. Such analysis is however beyond the scope of this report.

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

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

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

2.1 Methodology and scope

Understanding the complexities, detail and broad range of matters that the EAF comprises is a challenge due to *inter alia* its holistic nature and the context and priorities of each country. A simplified assessment methodology was therefore developed for the application of the EAF Legal Checklist against the selected national policy and legal instruments, leading to the compilation of this report.

During the elaboration of this EAF Legal Report, the Research and Development Unit of the Fisheries Department of the Gambia (hereinafter referred to as “National EAF-Focal Point”) was contacted and provided additional information concerning the implementation of the EAF at national level, which has been included in this report.

This desk-based preliminary assessment cannot however replace an in-country detailed assessment of the national policy and legal frameworks.

2.1.1 Selection and collection of national policy and legal instruments of the Gambia

The main source for the selection and collection of national policies and legal instruments was FAOLEX (FAO, n.d-b) which, besides the Constitutions of countries, provides a vast electronic repository of national policy and legal instruments on fisheries and other sectors relevant for an EAF, including on environment, sea, water, and wild species and ecosystems.¹

Additional relevant information was provided by the National EAF-Focal Point, which, together with the relevant information for the EAF available at FAOLEX, is listed under **Appendix A** and identified by a reference letter and number to facilitate their citation in the EAF Legal Checklist

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

provided in **Appendix B** of this report. Appendix A and Appendix B shall therefore be read together.

2.1.2 Desk-based stepwise assessment of selected national policy and legal instruments

The selected national policy and legal instruments relevant for the EAF under **Appendix A** of this report were assessed against the EAF Legal Checklist following the steps described in Table 2 below.

Steps	National policy and legal instruments analysed	Scope
1st	Fisheries policy: a plan, policy, strategy, action plan, policy chart concerning fisheries, aquaculture, wildlife, sea and/or oceans, sustainable development, management and/or conservation.	Searching for the EAF legal requirements with a focus on the parts of the policy that address the principles, objectives, plans, priorities, recommendations, strategies and actions.
2nd	Fisheries primary legislation: a fisheries act, code, law, or any other type of instrument implementing the fisheries policy as well as the general law on fisheries, forestry and wildlife providing the legal framework for fishing and fishing related activities. It is the main legal instrument on fisheries, which contains the typical outline and broadly covers the subjects described in subsection 3.1 of the EAF Legal Diagnostic Tool. It should be noted that this typical outline is without prejudice to the particular structure of the fisheries primary legislation of the assessed country.	Searching for the EAF legal requirements in each provision of the fisheries primary legislation.
3rd	Fisheries secondary legislation implementing or elaborating the fisheries primary legislation: fisheries decree, regulation, order, ordinance which sets out in more detail the requirements of the fisheries primary legislation – concerning e.g. fishing vessel registration, fishing vessel requirements, vessel monitoring system (VMS), fisheries research, fisheries fund, small-scale fisheries.	Searching for the EAF legal requirements not found in the relevant parts of the fisheries policy nor in the provisions of the fisheries primary legislation.
4th	Other sector's primary legislation: an act, code or law on the relevant sectors of <i>inter alia</i> environment, sea, water, and wildlife species and ecosystems.	Searching for the EAF legal requirements not found in the relevant parts of the fisheries policy nor in the provisions of the fisheries primary and secondary legislation.
5th	Other sector's secondary legislation: a decree, regulation, order, ordinance regulating the primary legislation of other sectors assessed under step 4.	Searching for the EAF legal requirements not found in the relevant parts of the fisheries policy nor in the provisions of any of the previously assessed legal instruments.

The Research and Development Unit of the Fisheries Department of the Gambia conducted its own assessment, applying the EAF Legal Checklist against selected policies and legislation of the Gambia. The information provided and the results of the country self-assessment have been incorporated in this report.

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

The EAF Legal Checklist provides the EAF legal requirements structured by the 17 EAF Components, based on a step-wise methodology (FAO, 2021, Subsection 2.2), and in accordance with the typical subjects of a fisheries primary legislation, without prejudice to the

particular structure of the fisheries primary legislation of the Gambia (FAO, 2021, Subsection 3.2). In filling it in, priority was given to assessing the EAF legal requirements in the fisheries policies and primary/secondary legislation. In this process, the different symbols presented in Table 3 below were used.

Symbol	Perceived level of alignment with the EAF legal requirement	
✓	Full or sufficient	Part(s) in the assessed fisheries policy or provision(s) in the assessed legislation <u>totally incorporates</u> the EAF legal requirement.
∅	Partial or insufficient	Part(s) in the assessed policy or provision(s) in the assessed legislation <u>partially incorporates</u> the EAF legal requirement. ²
X	None or in-existent	No part in the assessed policy nor provision in the assessed legislation was found that incorporates the EAF legal requirement.
●	Not considered	No assessment was carried out since the EAF legal requirement was fully or sufficiently found in the primary fisheries policy/legislation, or in the primary legislation of other sector.
N/A	Not applicable	The EAF legal requirement is exclusively relevant to fisheries (that is the case of all the EAF legal requirements under Fisheries Management, Monitoring, Control, Surveillance and Enforcement (MCSE) and almost all of those under enforcement processes and sanctions scheme) and therefore not applicable to other sector's legislation.
*	Optional	The EAF legal requirement is considered to have a non-mandatory nature and therefore is not expected to be found in the assessed policy or legal instrument.

The last two columns of the EAF Legal Checklist indicate: **(i)** the parts of the policy instruments and legal provisions where the EAF legal requirement was found; and **(ii)** additional relevant comments and explanatory notes that clarify, where appropriate, nuances in assessing the policy and legal instruments and the rationale for the assessment of partial or insufficient coverage of the EAF legal requirements. It should be noted that these additional comments and explanatory notes will benefit from a more in-depth analysis during the comprehensive review at country level.

The results of this assessment are presented in **Appendix B** of this report which provides the EAF Legal Checklist applied against the selected policies and legislation of the Gambia.

2.1.4 Additional observations

While filling in Appendix B, some parts of the policy framework and some provisions of the legal framework which in some cases are anchored in the Gambia's Constitution of 1996, as last amended in 2018, were considered particularly relevant in incorporating the EAF legal requirements. These parts and legal provisions which, without prejudice to others that may also be relevant, were considered good examples of addressing an EAF (in the case of a policy instrument) or legislating for an EAF (in the case of a legal instrument), have been highlighted in the main findings under subsection 2.2 below as good practice in legislating for an EAF.

² A more in-depth analysis will be required to understand how EAF legal requirements filled in with the ∅ symbol could be fully incorporated in legal and policy instruments or reflect potential contradictions between one legal and/or policy instrument and another. Such analysis goes beyond the scope of this desk-based preliminary assessment.

2.1.5 EAF Legal Questionnaire of the Gambia

The National EAF-Focal Point filled in the EAF Legal Questionnaire, which was developed by the project to collect additional relevant information from the assessed country. The results of the questionnaire are summarised under the section below.

2.2 Overview and main findings

This subsection provides an overview of the main findings of this desk-based preliminary assessment of the EAF in the selected national policy and legal instruments of the **Gambia** presented under **Appendix B** and a summary of the additional relevant information provided under the EAF Legal Questionnaire of the Gambia.

2.2.1 Fisheries policy

The assessed four fisheries policies correspond to A1 to A4 in Appendix A. They cover **36** of the 82 EAF legal requirements.

The *2018 Fisheries and Aquaculture Policy's* includes under its policy area on conservation and sustainable resource use the objective of creating institutions and taking actions on ensuring healthy ecological systems from which sustainable fisheries and aquaculture yields are obtained (Chapter 4(4.2.1.1)). Under its policy area on sustainable marine small-scale fisheries management it aims to mainstreaming small-scale fisheries in the formal economy and strengthening and recognizing its contribution to poverty alleviation, food nutrition security and socioeconomic benefits of fishing communities; organising and empowering user and stakeholders organization for good explicit participatory fisheries governance, sustainable development and responsible use of fisheries and aquaculture resources; engaging in bilateral and regional cooperation for effective management of shared fishery resources and maintenance of healthy ecosystems (Chapter 4(4.2.2.1)). Under its policy area on sub-regional, regional and international cooperation, it aims to reinforce and develop coordinated mechanisms to ensure coherence of fisheries policies and aquaculture development and their adoption and adaptation (Chapter 4(4.2.6.1)). This policy also provides for guiding principles in its implementation, including transparency, inclusiveness, information sharing, empowerment and sustainability (Chapter 5(5.2)).

The *2018-2021 National Development Plan* is a broad policy, which sets as one of its strategic priorities the modernization of fisheries for sustained economic growth, food and nutritional security and poverty reduction (Page 9). It is committed to review and update the 2002 decentralization and local government Act (see below) to strengthen its implementation, as well as to harmonise other policies and regulatory frameworks to enhance coordination of the decentralization programme (Page 11). It promotes the sustainable management and utilization of fisheries resources that enhance employment and create livelihood opportunities, by enhancing institutional efficiency and effectiveness for the fisheries sector, and improving the associated value-chain (Pages 12, 26 and 17).

The *2017-2021 Fisheries and Aquaculture Strategy* is aimed at, *inter alia*, increasing employment opportunities and the participation of the Gambians, especially women, in all aspects and at all levels of the fisheries sector; improving institutional linkages with other relevant sectors; and strengthening regional and international collaboration in the sustainable exploitation, management and conservation of shared stocks and shared water bodies, promoting biodiversity maintenance and enhancement and preventing environmental degradation (Page 25). This policy also includes, within the mandate of the Fisheries Committee, the coordination and review of the implementation status of the strategic and action plans (Page 75). Under the pillar of collaboration and partnership, a number of strategic activities are outlined, including engaging with key national, regional and international stakeholders to reach agreements on improving socioeconomic benefits of fisheries and aquaculture as well as continuing monitoring the macroeconomic and industry environment for emerging opportunities and new partnerships (Pages 99-100).

The *2015-2020 National Biodiversity Strategy and Action Plan* provides strategies to address gaps and weaknesses in biodiversity conservation, which include the promotion of diverse governance regime of protected areas through community parks and private protected areas as to increase ecosystem-approach representative coverage, fostering community livelihood and development needs to reduce poverty and pressure on biodiversity use (Page 27). Guiding principles of this policy comprise community participation and informed stakeholder involvement in the planning, implementation and decision-making processes, *in-situ* conservation using an ecosystem approach for the effective conservation of biological diversity and protection of threatened species, use of innovative approaches such as community conservation and collaborative forest management, adoption of an integrated approach rather than sectoral (Pages 56-58).

The action plan of this biodiversity strategy provides many actions related to EAF including: the development of public-awareness and education strategy on biodiversity values, its conservation and sustainable use; monitoring the implementation of environmental management plans of corporate entities; the establishment of a minimum of three marine protected areas; facilitating exchange programs for fishermen in exchange for wrong fishing gear; establishing new protected areas in highly sensitive ecological zones with correspondent management plans; the establishment and management of connectivity corridors; encouraging environmental impact assessment (EIA) before developing any project affecting biodiversity; conducting valuation studies on at least two species and three types of ecosystems; and fostering academic research on biodiversity issues (Pages 80-90).

The Fishery Co-Management Plan for The Gambia Sole Complex of 2012 is aligned with an EAF in various aspects. It clearly defines and highlights the importance of the 'precautionary approach', 'adaptive management' as well as the 'ecosystem-based management' approaches, adopting a co-management scheme in which fishers and government share the responsibility and authority for the management of the fishery (Chapter 1(1.1)). The development of the plan followed a participatory approach, involving multistakeholder, including fishers from the main landing sites and fish mongers, and its content is detailed

(Chapter 1(1.2)). This plan also clearly delineates the roles of the authority responsible for the management and conservation of sole fishery, which include the duty to encourage the use of ecosystem approaches based on ecological, social and economic factors (Chapter 5(5.3)) as well as leading, together with the government, on updating the management plan (Chapter 6.1). Control on fishing gears and specific temporal and spatial controls are also detailed in this plan, including minimum mesh size and no-take zones during spawning periods (Chapter 8(8.1 and 8.2)).

The Notice on Designation of Special Management Areas of 2013 formally endorsed the previously analysed fishery co-management plan for sole complex as well as the cockle and oyster fishery co-management plan. The latter provides detailed information of the fishery (Pages 50-61) and also adopted a participatory approach in the development of the plan, involving multistakeholder (Page 62). It clearly states the management objectives, which include sustainable harvesting, maintaining health and functioning of the mangrove ecology and strengthening community participation in planning, implementation and decision-making in the fishery management and sustainable use (Page 63). This plan also designates certain areas for the exclusive use of individual oyster communities (Page 64) and establishes the community-based organization for the Tanbi Wetlands National Park called TRY Association, for the purpose of managing cockle and oyster resources in this park, including setting spatial and temporal controls (Pages 73-74). Additionally, the plan allows community-based management through which the community members can set and change measures within the designated exclusive community zones (Pages 74-75).

2.2.2 Fisheries primary legislation

The assessed fisheries primary legislation corresponds to B1 in Appendix A. It is the *Fisheries Act of 2007* (hereinafter referred to as “Fisheries Act”), which covers **34** of the 82 EAF legal requirements.

The Fisheries Act has some important provisions for an EAF. It outlines the responsibility of the Director of Fisheries, under the supervision of the Secretary of State, for the monitoring, control and surveillance of the fishing operations and for promoting the establishment of Community Fisheries Centres (CFC), fisherfolks cooperatives and associations and other bodies representing fisherfolks (Section 4(2) (g)(h)). Its guiding principles include minimizing pollution, discards, by-catch loss or abandoned gear and impacts on associated or dependent species by the adoption of measures including the use of selective environmentally safe and cost effective fishing gear and techniques, timely collecting and sharing, in accordance with fisheries management agreements and international law, complete and accurate fisheries data and information from research programmes, preventing or eliminating overfishing and ensuring that the levels of fishing effort do not exceed those commensurate with the sustainable utilization of fisheries resources taking into account artisanal and subsistence fisheries interests and minimising, to the extent practicable, fishing conflicts among users (Section 9(f)(h)(i)(j)).

Participatory rights are ensured through allocation of total allowable catch (TAC) or total allowable level of fishing as determined by the Secretary of State (Section 11(1)), and in the preparation of Fisheries Management Plans (FMPs), in which the Director of Fisheries is required to consult with, among other stakeholders, the CFC concerned or affected by the plan, fisherfolks cooperatives and associations and other bodies representing fisherfolks as well as persons affected by the plan (Section 12(4)). These centres are established by the Secretary of State in consultation with Local Authorities for the purpose of community-based fisheries management; the regulations regarding their organization (see below information obtained from National EAF-Focal Point), operation and administration are to be made by the Secretary in consultation with the community (Section 15(1)(5)).

The Fisheries Act establishes a Fisheries Development Fund and empowers the Permanent Secretary to authorise the Director of Fisheries to use such fund to finance conservation, management and development projects in respect of training, research, promotion of artisanal fisheries and MCS (Section 20). A general fishing licensing scheme is provided by this Act (Sections 23-34) as well as licensing regimes for local fishing vessel (Section 35), foreign fishing vessels (Sections 38-40) and high seas fishing (Section 43-45). The Fisheries Act requires prior written approval of the Director of Fisheries for the introduction of new species in the fisheries waters (Section 51(b)) and prohibits the use of industrial driftnets in the Gambian fisheries waters (Section 64). Also relevant for an EAF is the prohibition on leaving a fishing gear or any other non-biodegradable item utilized for fishing in the fisheries waters on the termination of the fishing activities (Section 66).

In respect of MCS and enforcement (MCSE), the Fisheries Act provides for the designation and powers of authorised officers in the exercise of their inspection and enforcement duties (Sections 70-77), as well for the appointment and powers of fisheries observers (Sections 78-80). In addition to judicial procedures (Sections 91-96), the Fisheries Act also provides for administrative procedures through which the Secretary of State, upon reasonable cause, may proceed with the compounding of offences and administrative fine (Sections 97) with the assistance of a Consultative Committee (Section 98).

2.2.3 Fisheries secondary legislation

The assessed fisheries secondary legislation corresponds to C1. It is the *Fisheries Regulations of 2008* (hereinafter referred to as “Fisheries Regulations”), which cover **13** of the 82 EAF legal requirements.

The Fisheries Regulations regulate many provisions of the Fisheries Act including with regard to the register of fishing vessels and licensing. For example, it provides for the sharing of information of the Register of Fishing Vessel, which is maintained by the Director, with any administrator of a register of fishing vessels of another sub-regional State or with any administrator of a regional register of fishing vessels maintained under a regional or sub-regional fisheries management agreement or arrangement (Regulations 3 and 12). It also requires licensed local and foreign fishing vessels, as well as those used for research or testing fishing operations and national vessels used for fishing on the high seas to be fitted with a

vessel monitoring system (VMS) unit approved by the Director and installed by an approved installer (Regulation 52(2)). It provides detail on the installation of VMS and the procedure to follow for its maintenance and when it ceases to operate (Regulations 52 and 53).

Area restrictions are detailed with respect to the use of certain fishing vessels at Bijol Island (Regulation 68), and gear restrictions include the prohibition of trawling in waters of the River Gambia, and the prohibition of beach seine nets or spear guns in the fisheries waters (Regulation 69(1)). The Fisheries Regulations also require any under-sized or unlawfully caught fish to be immediately returned to the fisheries waters, and any by-catch to be landed and appropriately recorded in the fishing logbook (Regulation 72).

2.2.4 Other sectors primary legislation

The other sectors primary legislation corresponds to D1 to D4 in Appendix A.

The *National Environment Management Act of 1994* (hereinafter referred to as “Environment Act”) requires every person to maintain and enhance the quality of the environment (Section 3), in line with the constitutional duty of every citizen to protect and conserve the environment of the Gambia (Section 220(1)(j) of the Constitution). The Environment Act establishes the National Environment Management Council (Section 5), which has the power to, *inter alia*, coordinate all public and private policies with actual or potential significant impact on the environment, harmonise the plans and policies of the various sectors dealing with the environment, commission and publish studies on the environment and promote public awareness of the environment (Section 7(b)(d)(i)). It also establishes the Environment Agency (Section 9), of which the National Environment Council is the policy making organ, which is responsible for liaising with the various ministries, departments and agencies on environmental issues, ensuring that environmental concerns are integrated into all spheres of national planning and project implementation, reviewing and approving EIAs and promoting public awareness of environmental issues, among other functions (Section 10).

The Environment Act establishes an Area Environment Committee for each area established under the Local Government Act, and for each village (Section 18(1)). These committees are in charge of, *inter alia*, integrating the views of the public, through wide consultation, into environmental policies and decisions, and developing a local environment plan (Section 19(1)(f)(g)). The Environment Act also requires that an Action Plan is prepared in consultation with the public and revised at least once every ten years and at such other times as may be necessary considering new developments and emergent needs (Article 20(2)). Provisions on EIA and environmental impact statement (EIS), with the required description of its content and procedure, are also addressed therein (Sections 21-22). The Environment Act also provides for the conservation of biological diversity, including the requirements posed on the competent agency to determine existing and potential threats to biological diversity and devise measures to remove or mitigate their effects (Section 32(f)).

The afore mentioned *Local Government Act of 2002* establishes and regulates a decentralized government system for the country, delineating the functions, powers and duties of local

authorities. For each Local Government Area, this Act establishes a Council with a broadly represented composition, including nominations from youth and women (Section 11).

The *Biodiversity and Wildlife Act of 2003* provides the duty of the Director of Parks and Wildlife Management to develop and keep under continual review biodiversity and wildlife management plans, taking into account national, regional and international biodiversity and wildlife management (Section 4(1)). It also provides rules for protected areas, which are declared by the Secretary of State with due recognition of the rights of communities and Indigenous Peoples traditionally settled in the area (Section 14(3)). The Director of parks and wildlife management is also empowered to encourage community participation in the form of a Local Biodiversity and Wildlife Committee in the management of a protected area, especially the communities in the area and its immediate surroundings (Sections 34 and 35). In respect of EAF related research, this act establishes the Biodiversity and Wildlife Committee, which is required, in consultation with the National Agricultural Research Board, to set out a national scientific research plan for the conservation of biodiversity and wildlife, formulate policies to facilitate research in areas such as study of species of flora, fauna and ecosystems (Section 92(1)).

2.2.5 Other sectors secondary legislation

The other sectors secondary legislation corresponds to E1 to E4 in Appendix A.

The Regulations on Environmental Impact Assessment of 2014 details the requirements and procedures for submission of an EIA and EIS. It requires the developer of the project subject to an EIA to take all necessary measures, including the holding of meetings, to seek views and opinions of the community potentially affected by the project and any other interested person (Regulation 16). In respect of the EIS, the regulations require the developer to timely invite the general public to make written comments on the draft EIS, and the EIA Working Group, which shall carry out its duties in accordance with guidelines issued by the National Environmental Agency, to review and provide feedbacks to each comment received, with the possibility to determine the undertaking of a public hearing (Regulations 20 and 21). Aquaculture activities require full EIS (Schedule B).

The *Environmental Quality Standards of 1999* established the Environmental Quality Standards Board, listing its multistakeholder composition (Regulation 2) and providing its main function of proposing and reviewing environmental quality standards (Regulation 3).

The *Regulations on Wildlife Conservation of 1978* details the requirements applicable to national reserves, specifying, for instance, the activities that are prohibited therein, including the entering of any area of the national reserve which has been declared closed to the public, introducing into or removing from such reserves any animal or vegetation (Regulation 6), discarding any litter or in any other way disfigure the reserves (Regulation 8).

2.2.6 Additional relevant information from the National EAF-Focal Point

The fisheries sector interacts with the following institutions: the Gambia Maritime Authority (GMA) within the Ministry of Transport, Works, and Infrastructure; the Department of Parks and Wildlife Management (DPWM) under the Ministry of Environment, Climate Change and Natural Resources; the Gambia Bureau of statistic (GBoS) under the Ministry of Finance and Economic Affairs; the Department of Trade under the Ministry of Trade, Industry, Regional integration, and Employment; the Food Safety and Quality Authority within the Office of the Vice president; the National Environmental Agency under the Ministry of Environment, Climate Change and Natural Resources; the Gambia Navy under the Ministry of Defence; and the Ministry of Local Government and lands.

Intersectoral activities include: MCS of industrial fishing vessels with the Gambia Navy to combat IUU fishing; inspection and issuance of seaworthiness certificates to all categories of fishing vessels with GMA; designation of suitable lands for the purpose of setting up and operating aquaculture establishments by the Ministry of local government and lands; EIA or environmental clearance for the activity by the National Environmental Management Act with the National Environment Agency; identification and protection of critical spawning areas of aquatic animals with the Department of Parks and Wildlife Management; inspection of fish processing establishments, fish landing sites both artisanal and industrial fishing vessels, ice plants, fish markets etc., certification of fishery products for export under the Food safety and Quality Authority; and furnishing GBoS with National fisheries statistics to calculate the contribution of the sector to the national GDP.

There is no intersectoral specific mechanism to facilitate coordination of activities, monitoring and review but there is consultation of relevant key stakeholders on carrying out a particular activity. Interaction among these different stakeholders occur at national and local levels.

The following three projects were reported as having been implemented following an EAF: two-year initiative funded by the MAVA foundation for Nature and rampao, which involved the identification and characterisation of critical spawning areas for small pelagic fish for guiding spawning area closures and protect juvenile fish; and the undertaken of joint regional Ecosystem surveys with the R/V Dr. Fridjof Nansen.

In respect of the afore mentioned CFC, there is currently no specific regulation on these centres. There is also no instrument nor system in place for TAC. The current data and its respective assessment method are considered inadequate for applying TAC system.

3. Conclusion

3.1 Main gaps in the assessed policy and legal instruments

Some of the EAF legal requirements in the EAF Legal Checklist in **Appendix B** were not incorporated (**X**) or were only partially incorporated (**Ø**) by the assessed policy and legal instruments of the Gambia identified under **Appendix A**. This subsection summarizes the main gaps from the desk-based preliminary assessment without prejudice to others that may be identified in a comprehensive analysis of the national policy and legal frameworks at country level.

Of the 82 EAF legal requirements, **65** EAF legal requirements were found in the Gambia's policy and legal frameworks assessed in this EAF Legal Report. It should be noted that the 82 EAF legal requirements are considered the minimum standards in legislating for an EAF which may be further elaborated and improved in advancing the implementation of an EAF. Based on the present preliminary assessment, **17** EAF legal requirements remain to be incorporated in the policy and legal frameworks of the Gambia.

The results obtained in this Report indicate a fairly satisfactory alignment of the policy and legal frameworks of the Gambia with an EAF. Some key EAF legal requirements have, however, not been found in the assessed instruments.

The assessed policy and legal instruments did not provide for conflict management over fisheries and the conflict management review process, as required under EAF Component 7. There was also lack of references and provisions on integrated management of aquatic ecosystems and the review of the respective plan, which corresponds to EAF Component 8. A major gap was noted with respect to TAC, additional catch limits and detailed requirements, as well as on effort controls, as provided under EAF Component 9.

Improvements are also required with regard to FMPs, which lack provisions on the need to comply with established integrated management plans for aquatic ecosystems as provided under EAF Component 10. In respect of MCSE, which is of particular relevance to the fisheries sector, the assessed policy and legal instruments do not provide details on the recorded information to be included in the register of fishing vessels, no requirements on the registration process were found, including the cooperation and coordination among fisheries and maritime authorities, nor control over landing and transshipping, as part of the legal requirements under the EAF Component 11. Regulation of activities potentially harmful to the aquatic ecosystems was also not found in the assessed policy and legal instruments, which indicate a gap related to EAF Component 15.

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

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

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

The policy and legal instruments of the Gambia, assessed in this Report, incorporate **65** out of the 82 EAF legal requirements, therefore indicating a **medium-high** level of alignment with an EAF.

3.3 Final considerations and proposed way forward

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

The incorporation in the national policy and legal frameworks of all the EAF relevant provisions from international legally binding instruments³ to which the Gambia is a Party, as identified under subsection 1.2 above, should be a priority in the improvement of the EAF implementation at the national level. The relevant EAF provisions from the international non-binding instruments that reflect principles of international law should also be incorporated in the national policy and legal frameworks.

With respect to the assessed policy and legal instruments, some gaps have been identified which should be addressed to ensure full implementation of an EAF in the country. The following subjects could benefit from a detailed review and update in the relevant policy and legal instruments: “institutional arrangements” (especially conflict management and integrated management of aquatic ecosystems), “control on fishing operations” (especially TACs and fishing efforts), “fisheries management” (particularly aspects of integrated management of ecosystems), “conservation measures” (especially regulation of activities

³ See Appendix A of the EAF Legal Diagnostic Tool.

potentially harmful to aquatic ecosystems), and “MCSE” (especially the detailed recording information, registration process, cooperation and coordination on registration, and transshipping and landing requirements).

The review of the policy and legal instruments with respect to “control on fishing operations”, “fisheries management” and “MCSE” could be led by fisheries whereas others, such as “institutional arrangements” and “conservation measures”, would require a more active involvement of other sectors in the review of their transversal relevant provisions.

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

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

4. References

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

Identification	Instruments of the GAMBIA
A	Fisheries Policies
A1	2018 Fisheries and Aquaculture Policy
A2	2018–2021 The Gambia National Development Plan
A3	2017–2021 Fisheries and Aquaculture Strategy
A4	2015–2020 The National Biodiversity Strategy and Action Plan
A5	2013 Notice on Designation of Special Management Areas (Sole Complex, Cockle and Oyster Fishery Co-Management Plan for the Tanbi Area)
A6	2012 Fishery Co-Management Plan for The Gambia Sole Complex
B	Fisheries Primary Legislation
B1	Act No. 20/2007 on Fisheries
C	Fisheries Secondary Legislation
C1	Regulations No. 06/2008 on Fisheries
D	Other Sector's Primary Legislation
D1	Act 2003 on Biodiversity and Wildlife
D2	Act 2002 on Local Government
D3	Act No. 13/1994 on National Environment Management
D4	Act No. 22/1979 on National Water Resources Council
E	Other Sector's Secondary Legislation
E1	Regulations 2014 on Environmental Impact Assessment
E2	Regulations 1999 on Environmental Quality Standards
E3	Regulations 1978 on Wildlife Conservation
E4	Regulations 1929 on Wild Animals, Birds and Fish Preservation, as amended several times until Regulations L.N. 33/1966

Perceived level of alignment with the EAF legal requirement

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

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

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
	Scope and definitions								
General guidelines	1.	– Clearly outline the geographic and substantive scope of the application.	✓	✓	X	X	X	(A1) Chapter 4 (A3) Chapter1 (B1) Title	
	Principles and objectives								
C.1 EAF concepts C.3 Precautionary approach C.4 Stakeholder participation C.6 Integration of lower level authorities C.7 Conflict management and C.11, C.13, C.14 and C.17	2.	– Clearly define and apply the precautionary approach.	✓	∅	∅*	X	•	(A1) Chapter 5(5.2) (A3) Page 48 (A6) Chapter 1(1.1) (B1) Section 9(c) (c1) Regulations 26(u), 44(t) and 50(r)	Note that references in (A1) and (A3) call for the application of the precautionary approach, and provision in (B1) requires the application of precautionary approaches but none of them define it. Provisions in (c1) relate to precautionary measures.

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
3.	– Broaden stakeholder participation with integration of lower level authorities and bodies.	✓	✓	●*	✓	●	(A1) Chapter 4(4.2.2.1 and 4.2.9) (A2) Page 11 (A4) Page 57 (A6) Chapter 1(1.1) (B1) Sections 9(l), 11, 12.3, 13 and 14 (D1) Section 90(3)(b)(c)	
4.	– Ensure the right of access to fair and transparent information.	✓	X	●*	●	●	(A1) Chapter 5(5.2)	
5.	– Promote institutional coordination, cooperation and integration.	✓	✓	●*	✓	●	(A1) Chapter 4(4.2.2.1 and 4.2.9) (A3) Page 75 (B1) Section 4(2)(h) (D1) Section 92(2)	
6.	– Maintain ecological relationships among harvested, dependent and associated species.	✓	✓	●*	✓	●	(A1) Chapter 4(4.2.1.1 and 4.2.1.2) (B1) Section 9(e)(f) (D1) Section 90(2)(b)	
7.	– Promote sustainable development and avoid overexploitation of marine living resources.	✓	✓	●*	✓	●	(A1) Chapter 4(4.2.1.2) (B1) Section 9(a)(i) (D1) Sections 43 and 93(1)	
8.	– Preserve marine habitat, conserve and restore marine living resources and biodiversity.	✓	✓	●*	✓	●	(A3) Page 25 (A4) Pages 56–58	

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
							(B1) Section 9(d) (D1) Section 90(2)(a)	
9.	– Promote ecosystem well-being, including the human biotic and abiotic components.	✓	✓	●*	●*	●*	(A1) Chapter 4(4.2.1.1 and 4.2.1.2) (B1) Section 9(d)	
10.	– Promote adaptive management measures, including their regular monitoring and review.	✓	✓	●*	●*	●*	(A3) Page 75 (A6) Chapter 1(1.1) (B1) Section 4(2)(d)	
11.	– Harmonize management measures, including those for shared resources.	∅	✓	●*	●*	●*	(A1) Chapter 4(4.2.6.1) (B1) Section 9(g)(h)(n)	Reference in (A1) is limited to international measures and does not measures for shared resources.
12.	– Reduce and manage conflict between users and stakeholders over fisheries resources and ecosystems.	∅	✓	●*	●*	●*	(A1) Chapter 4(4.2.6) (B1) Section 9(j)	Reference in (A1) is limited to conflict management at sub-regional, regional and international levels.
13.	– Consider socioeconomic contexts (e.g. employment, livelihoods, equity, poverty, gender) when designing and implementing management measures.	✓	✓	●*	✓*	●*	(A1) Chapter 4(4.2.1.2 and 4.2.2.1) (A2) Page 11 (A3) Page 25 (B1) Section 4(2)(j) (D1) Section 90(2)(b)	

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
	14.	– Promote management measures, designate the authority and outline the timeline and process for their monitoring and review.	✓	✓	●*	●*	●*	(A3) Pages 75, 81–86 (B1) Sections 4(2)(d) and 12	
	15.	– Provide for the establishment of MCSE measures.	✓	✓	●*	●*	●*	(A1) Chapter 4(4.2.1.2) (B1) Section 9(k)	
	16.	– Promote ecosystem-based research plans/priorities, designate the authority and outline the timeline and process for their monitoring and review.	∅	∅	X*	✓*	●*	(A3) Pages 81, 88–89 (A5) Page 69 (B1) Sections 4(2)(i) (D1) Sections 8 and 92	References in (A3) are too general and do not mention ecosystem-based research. Reference in (A5) do not outline timeline and process for monitoring and review. Provision in (B1) generally refers to the promotion of scientific research.
	17.	– Promote the right of access to education and awareness raising on EAF.	∅	X	X*	✓*	●*	(A4) Page 61 (D1) Sections 8, 90(3)(l) and 92(1)(d)(2)	Reference in (A4) refers to biodiversity conservation and sustainable use.
	Institutional arrangements								
C.2 Management boundaries and measures	18.	– Ensure new management boundaries, measures and plans are: (a) ecologically meaningful considering resource ranges, habitats and other ecological factors.	✓	X	X	✓*	●*	(A4) Pages 69–70 and 86 (A6) Chapter 8(8.2) (D1) Sections 14-17	

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
C.4 Stakeholder participation	(b) overlapped closely and are harmonized with well-established management boundaries and governance structures.	✓	✓	X	✓*	●*	(A4) Pages 69–70 and 86 (A6) Chapter 8(8.2) (B1) Section 14 (D1) Sections 14–17	
C.5 Coordination, cooperation and integration	19. – Promote states cooperation on the harmonization of management measures and plans (bilaterally, regionally and internationally).	✓	✓	X	✓*	●*	(A1) Chapter 4 (4.2.2.1 and 4.2.6) (A3) Page 25 (B1) Sections 12(4)(d), 40 and 45(3) (D1) Section 90(3)(m)	
C.7 Conflict management								
C.8 Integrated management of aquatic ecosystems	20. – Establish transparent and accessible mechanisms, bodies (including lower level authorities) or processes to:							
	(a) support well-established management boundaries and governance structures on the basis of ecosystem considerations.	✓	✓	X	✓*	●*	(A4) Pages 24 and 57 (B1) Sections 13–15 (D1) Section 90	
	(b) outline conservation and management measures, including FMPs, at local and national levels.	✓	✓	X	✓*	●*	(A5) Entire plan (A6) Entire plan (B1) Sections 13–15 (D1) Section 35	
	(c) facilitate coordination, cooperation and integration of management decisions, regulatory action, environmental policies, plans and programs.	✓	X	X	✓*	●*	(A1) Chapter 2 (A3) Page 75 (D1) Section 90 (D3) Sections 9(2) and 10(b)(c)	

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
	(d) monitor, assess and align the various environmental policies and plans.	✓	X	X	✓*	●*	(A4) Pages 63–64 (D3) Section 7(b)–(d)	
	(e) manage conflict over fisheries, relevant resource and ecosystem, including parameters for decision-making and resolving the conflict.	X	X	X	X*	X*		
	(f) ensure integrated management of aquatic ecosystems (e.g. integrated coastal zone) based on ecosystem delimitations.	X	X	X	∅*	X*	(D1) Section 90	Provision in (D1) refers to integration of management of genetic resources.
	(g) ensure periodic reviews of managed aquatic ecosystems that assess the state of aquatic resources, levels of pollution, habitat degradation and other factors.	X	X	X	X*	X*		
	(h) ensure periodic reviews of integrated management plans to assess objectives and indicators and to determine any potential needs for adjustment or revision.	X	X	X	X*	X*		
	(i) ensure periodic reviews of conflict management processes.	X	X	X	X*	X*		
21.	– Clearly outline powers, roles and responsibilities of all bodies, designated authorities, their relationships and processes, avoiding overlapping and conflicting mandates.	✓	✓	X	●*	●*	(A2) Pages 18–19 (A3) Pages 41 and 42 (A5) Pages 74–75 (A6) Chapter 6 (B1) Sections 3–6, 13	
22.	– Outline mandates for the government institutions to: (a) coordinate efforts, cooperate and integrate approaches, from the local to the national levels.	✓	✓	X	✓	●	(A3) Pages 96–99 (B1) Sections 11, 13 and 15 (D1) Section 5	

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
		(b) coordinate, cooperate and integrate the regional and international processes and arrangements.	✓	✓	X	✓	●	(A3) Pages 99–100 (B1) Sections 12(4)(d), 40 and 45(3) (D1) Sections 4 and 6 (D3) Sections 17–21	
		(c) allocate financial, human and material resources to ensure the integration of lower level authorities	✓	✓	X	X	X	(A3) Pages 77–79 (A4) Pages 80, 82, 87, 89–90 (B1) Section 20	
		Stakeholder participation, coordination, cooperation and integration							
C.4 Stakeholder participation	23.	– Ensure bodies established are broadly representative (from industry, the artisanal sector, academia, civil society and local communities) and processes allow for stakeholder and institutional participation and coordination, engaging and integrating lower level authorities or bodies when resources are affected at local level.	✓	✓	X	✓	✓	(A4) Pages 33–34 (B1) Sections 5–7 (D1) Section 89 (D2) Section 11 (E2) Regulation 2	
C.5 Coordination, cooperation and integration	24.	– Establish and properly publicize public meetings or hearings.	X	X	X	✓	✓	(D3) Section 24(1)(e) (E1) Regulations 22–23	
C.6 Integration of lower level authorities, bodies and stakeholders	25.	– Allow for sufficient and reasonable time for comments on proposed management decisions or actions (e.g. in meetings and in writing).	X	X	X	∅	✓	(D3) Section 24(1) (E1) Regulations 20–21	Provision in (D3) does not specify a sufficient and reasonable time for the public to
C.8									

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
Integrated management of aquatic ecosystems									provide comments to the EIA
	26.	– Promote international cooperation for effective integrated management of aquatic ecosystems.	✓	✓	X	✓	●	(A3) Pages 99–100 (B1) Section 9(h) (D1) Sections 4 and 6	
	Fisheries management <i>Catch/output controls</i>								
C.9 Controls on fishing operations C.10 Fishery management plans C.17 Monitoring and review	27.	– Establish limits on the amount of fish that may be removed from a fishery in a given period of time (e.g. TAC), restrict the number of fish that may be landed in a day (e.g. bag limit) or place limits on the amount of acceptable bycatch and/or discards from a fishery – all based on scientific data and maximum sustainable yield and the precautionary principle.	X	X	X	N/A	N/A		
	28.	– Ensure authority to institute TACs and to allocate individual quotas is representative, including representatives from lower levels of government.	✓	∅	●*	N/A	N/A	(B1) Sections 10–11	Provision in (B1) grants the Secretary of State with the power of determining the TAC with respect to any stock of fish and participatory rights but does not require for its representativeness.
	29.	– Ensure procedure for TACs outlines the category of vessels to which the TAC applies; period of time for which the TAC is declared; process for sub-dividing the TAC into individual	X	X	X	N/A	N/A		

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
		quotas; timeline, authority and participatory process for periodic monitoring and review.							
	30.	– Coordinate the TACs for shared stocks or highly migratory species with international or regional management measures.	X	X	X*	N/A	N/A		
	31.	– Monitor the catch in real-time and close a fishery when the TAC is reached.	X	X	X*	N/A	N/A		
	32.	– Attach catch controls to licenses and access agreements, including authority responsible for allocating, issuing and regulating quotas, and the procedure to be followed.	X	✓	●*	N/A	N/A	(B1) Section 38(3)	
	33.	– Outline the ability to institute additional catch controls (e.g. bag limits for recreational fishing), including the authority responsible for allocating, issuing and regulating quotas, and the procedure to be followed.	X	X	X*	N/A	N/A		
		Effort/input controls							
C.9 Controls on fishing operations	34.	– Define a broad fishing license scheme to regulate access to fisheries and fishing vessels with timeline, authority and process for renewing the license, monitoring and compliance, and permit suspension and revocation of the license for non-compliance.	X	✓	●*	N/A	N/A	(B1) Sections 20–45	
C.10 Fishery management plans	35.	– Designate authority responsible for allocating, issuing and regulating licenses, specified license duration, requirement of a fee and conditions that may be attached to licenses.	X	✓	●*	N/A	N/A	(B1) Sections 23, 35, 39, 43–44	
C.17 Monitoring and review	36.	– Outline process for establishing provisions for effort controls (e.g. limitation on vessel capacity, on expansion of fishing fleet, on allowable days spent at sea).	X	X	X*	N/A	N/A		
	37.	– Outline specific details of fishing license scheme (e.g. number of licenses to be allocated, permit conditions for each fishery).	X*	X*	X	N/A	N/A		

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
	38.	– Empower the designated authority to establish additional regulations for licensing.	X*	✓	●*	N/A	N/A	(B1) Sections 24 and 27	
	39.	– Empower authority to regulate effort controls and respective parameters.	X*	X	X*	N/A	N/A		
	<i>Fishing gear and method controls</i>								
C.9 Controls on fishing operations	40.	– Establish requirements on fishing gear and methods that are permitted for use within a given fishery or area, including related technical specifications (e.g. general prohibitions on types of gear, methods, specifications on gear design, minimum mesh sizes).	✓	✓	✓	N/A	N/A	(A4) Pages 65–66 (A6) Chapter 8(8.1) (B1) Section 63 (c1) Regulations 69, 72 and Schedule XXVII	
C.10 Fishery management plans	41.	– Outline prohibitions on highly destructive gear and fishing methods (e.g. fishing by toxic substance, explosives, electricity, fishing with the use of light).	✓	✓	●*	N/A	N/A	(A6) Chapter 8(8.1) (B1) Section 62	
C.17 Monitoring and review	42.	– Outline requirements aimed at reducing negative impacts of fishing methods and gear (e.g. prohibition of trawling in areas with sensitive seabed habitat, require use of biodegradable nets, restrict the use of FADs or require use of bycatch reduction devices).	X	✓	✓	N/A	N/A	(B1) Sections 64-66 (c1) Regulation 69	
	<i>Spatial and temporal controls</i>								
C.9 Controls on fishing operations	43.	– Regulate area and time in which fishing operations may or may not take place (e.g. closed areas/seasons), closed or restricted-use areas, which prohibit or limit fishing operations (e.g. protection of artisanal fishing).	✓	✓	✓*	N/A	N/A	(A6) Chapter 8(8.2) (B1) Sections 14 and 16 (c1) Regulations 68 and 70(5)	

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
Fishery management plans c.17 Monitoring and review	44.	– Empower authority to define spatial and temporal controls and the procedure.	✓	✓	✓*	N/A	N/A	(A5) Pages 73–74 (B1) Sections 14 and 16 (C1) Regulations 68 and 70(5)	
	45.	– Ensure stakeholder and institutional consultation, both at national and lower levels, in the process of defining spatial and temporal controls.	✓	X	X*	N/A	N/A	(A5) Pages 74-75	
	46.	– Establish technical details and specifics on spatial controls.	✓*	X*	✓	N/A	N/A	(A5) Pages 64 and 72 (A6) Chapter 8(8.2) (C1) Regulation 68	
	<i>Fishery management plans</i>								
C.9 Controls on fishing operations C.10 Fishery management plans C.17 Monitoring and review	47.	– Designate authority with power and responsibility to develop, approve, adopt and publicize a FMP, clearly outlining the roles and responsibilities.	✓	∅	X*	N/A	N/A	(A6) Chapters 5(5.2 and 5.3) and 6 (B1) Sections 4(2)(d) and 12	Provisions in (B1) do not include requirements on the approval and publicizing the FMP.
	48.	– Ensure FMPs and measures comply with established integrated management plans for aquatic ecosystems involving e.g. protected areas or critical habitat.	✓	∅	X	X*	*	(A6) Chapter 5(5.3) (B1) Section 12(3)(i)	Provision in (B1) is broad and could be used as a basis for requiring compliance with integrated management plans.
	49.	– Establish process for approval, adoption and publication of FMP with its periodic review.	✓	∅	X*	N/A	N/A	(A6) Chapter 8(8.4 and 8.5) (B1) Sections 4(2)(d) and 12	Provisions in (B1) do not include requirements on

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
								publication of the FMP.
	50. – Detail process of drafting FMP, including multi-level and multi-sector collaboration and consultation with stakeholders, and a participatory transparent process for monitoring and reviewing the FMP at a minimum within five years of their development.	✓	∅	●*	N/A	N/A	(A5) Page 62 (A6) Chapter 1(1.2) (B1) Sections 4(2)(d) and 12(4)	Provisions in (B1) do not include the five-year minimum review period and do not establish a process for its monitoring.
	51. – List the minimum requirements in the FMPs:							
	(a) management objectives that take into account EAF;	✓	∅	X*	N/A	N/A	(A5) Page 63 (A6) Chapter 7(7.1) (B1) Section 12(3)(b)	Provision in (B1) does not mention an EAF
	(b) biological description of fishery and ecosystem in which it takes place;	✓	✓	●*	N/A	N/A	(A5) Pages 50–61 (A6) Chapters 2–4 (B1) Section 12(3)(a)	
	(c) social, economic and institutional aspects of the fishery;	✓	X	X*	N/A	N/A	(A6) Chapter 3(3.6)	
	(d) species composition and levels of bycatch, both retained and discarded;	✓	X	X*	N/A	N/A	(A6) Chapters 2–3	
	(e) ecological relationships between harvested, dependent and associated species;	X	X	X*	N/A	N/A		
	(f) impact of other anthropogenic activities on the ecosystem; and	X	X	X*	N/A	N/A		
	(g) a review of the relationship with other coastal or marine resource management plans.	X	X	X*	N/A	N/A		
	Conservation measures							
C.14	52. – Incorporate the consideration of habitat and biodiversity in the processes for establishing management measures (e.g.	✓	∅	●*	✓*	●	(A3) Pages 47–48	Reference in (A3) is a guiding principle

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
Habitat and biodiversity conservation and restoration	outline habitats and species related to the fishery and take measures to limit the negative impacts of fishing on them) or gear regulations.							(A4) Page 62 (B1) Section 9(d) (D1) Section 4(2)(3) (D3) Sections 32-34	on conserving the biodiversity, aquatic living resources, ecosystems and habitats. Provision in (B1) refer to the guiding principle (conserve biodiversity of aquatic living resources, ecosystems and habitats) in the exercise of powers and functions under the Act.
	53.	– Ensure special protection for marine mammals, sea turtles and other particularly vulnerable marine life (e.g. set prohibitions or limitations), in coordination with other national designations or protections and regional and international conservation and management measures.	∅	∅	X*	✓*	●	(A4) Pages 12, 17, and 48 (D1) Section 46 and Schedule (B1) Section	References in (A4) classifies marine turtles as threaten species because of coastal erosion, tourism and infrastructural development but does not provide for any specific conservation and management measure. Provision in (B1) empowers the Secretary pf State to prohibit fishing for whales and

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
								other marine mammals.
54.	– Ensure coordination between the various authorities involved in marine environment protection.	✓	X	●*	●*	●	(A3) Pages 99–100 (A4) Pages 36–37	
55.	– Establish mechanisms and designation of authority responsible for establishing: (a) designation and protection of threatened and endangered species, ensuring cooperation among the authorities throughout the listing process, definition and qualifying factors of each designation, process for listing, including steps for consultation and the special protections associated with the designations.	X	✓	●*	∅*	●	(B1) Section 17 (D1) Section 46 and Schedule	Provision in (D1) do not detail the process for listing protected species.
	(b) protected areas, ensuring the outline of the type of protected areas, description of their levels of protection (e.g. marine reserve, parks, sanctuaries or MPAs), the process for nominating, establishing and managing a protected area, including stakeholder participation particularly of local communities, consultation and coordination with various authorities, both at national and local levels.	✓	∅	●*	✓*	●	(A4) Pages 83 and 86 (B1) Section 14 (D1) Sections 14–20	Provision in (B1) refers to a special management area, which may be within a marine protected area or reserve.
	(c) the restoration of damaged habitat and ecosystems, ensuring the process through which it is decided when, where and how a damaged habitat/ecosystem shall be restored, and the establishment of funds that may be used to engage in restoration activities.	✓	∅	●*	●*	●	(A4) Page 85 and 87 (B1) Sections 18–20	Provisions in (B1) refer to the Fisheries Development Fund, applied to <i>inter alia</i> training and research.
56.	– Ensure educational and awareness-raising activities for promoting habitat and biodiversity conservation and restoration with the establishment of special funds to support such activities.	✓	X	●*	✓*	●	(A4) Page 80 (D1) Sections 8, 90(3)(l) and 92(2)	

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
C.15 Regulation of activities potentially harmful to aquatic ecosystems	57.	– Adopt measures to: (a) regulate and reduce pollution of the aquatic ecosystems which should apply to all activities that might have an impact (including fishing, mining, shipping, etc.) and cover all types of pollution including bycatch, discharge of waste, vessel emissions, coastal runoff.	✓	✓	✓	✓	✓	(A4) Page 84 (B1) Sections 52 and 67 (C1) Regulation 59 (D3) Sections 3, 4, 30, 38 and 39 (E3) Regulations 6 and 8	
		(b) promote energy efficiency and reduce emissions that are applicable to fishing vessels, merchant shipping vessels and extractive industries, including through fuel efficiency standards, vessel size limitations and equipment restrictions for fishing vessels.	X*	X*	X*	X	X		
		(c) prevent and eliminate ghost fishing with the prohibition of the abandonment of fishing gear, notification of authorities when fishing gear is lost, regulation of materials used in the manufacture of gear.	∅	✓	X	X	X	(A3) Page 48 (B1) Sections 9(f), 65 and 66	Reference in (A3) is a guiding principle on minimizing abandoned gear.
	58.	– Require authorization prior to the planned introduction of any species, including species meant for aquaculture or fish stocking, taking into account the precautionary approach, and establish measures to prevent the escape of exotic species into the wild.	X	✓	X	●	●	(B1) Section 51	
C.16 EIS or EIA	59.	– Regulate marine extractive activities (e.g. marine mining for minerals or petroleum, harvesting of marine plants) and other potentially harmful activities, including the construction of installations for use by industry, laying of underwater cables, military exercises, shipping.	X	X	X	X	X		
	60.	– Require EIS or EIAs for activities that have the potential to affect ecosystems that support fisheries (e.g. fishing, aquaculture, mining, petroleum extraction, coastal development).	∅	∅	X	✓	✓	(A4) Page 73 (B1) Sections 46(2)(b) and 47(2)(b) (D1) Section 36	Reference in (A4) encourages the undertaking of an EIA prior to any projects affecting

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
								(D3) Sections 22 and 23 (E1) Regulation 4	biodiversity as a milestone by 2020. Provisions in (B1) subject the aquaculture license of some activities that require an EIA to an environmental clearance and refer to an EIA that may be required for aquaculture research.
	61.	– Detail components of EIS or EIA, which should at least discuss the purpose/need for the activity, the ecosystem that may be affected, potential impacts of the proposed activity and potential alternatives or mitigation and rehabilitation measures.	X	X*	X*	✓	✓	(D3) Section 23(3) and Part B of Schedule (E1) Regulation 18	
	62.	– Establish process for submission, review and decision-making on the EIS or EIA, with designation of authority responsible for receiving, reviewing and deciding upon the EIS or EIA (e.g. the minister responsible for environment), opportunity for public participation (e.g. comment periods and hearings), consultation with other relevant government institutions or localities, and determination of adequate mitigation measures.	X	X*	X*	✓	✓	(D3) Sections 22–24 (E1) Entire regulation	
		Fishery monitoring and research							
C.13 EAF research	63.	– Establish research programme for furthering the knowledge and understanding of EAF.	✓	X	●*	X	X*	(A1) Chapter 4(4.2.1.2)	

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
	64.	– Designate authority for conducting and involving stakeholders in the research programme.	X	X	X*	✓	X*	(D1) Sections 7 and 8, 90 and 92	
	65.	– Ensure the research programme’s objectives are based on EAF principles, which may include research on inter-species interactions, the impact of fishing on target and non-target stocks, the identification of spawning and nursery areas, areas of critical habitat, rates of bycatch and discards per fishery, the incidence and effect of pollution on fisheries, the status of ecosystem biodiversity, the social and economic dimensions (such as employment, food security), income distribution and other considerations.	✓	X	●*	X	X*	(A1) Chapter 4(4.2.1.2) and Table 6	
	66.	– Consider the findings of the EAF research in the adoption of conservation and management measures.	✓	∅	●*	✓	●*	(A1) Chapter 4(4.2.7.3) (B1) Section 9(g) (D1) Section 92	Provision in (B1) generally fosters the application of management practices based on best scientific information gained through national and international research programs.
		MCSE							
C.11 MCSE	67.	– Outline an observer scheme with details on the categories of vessels/fisheries that it applies to and the role that observers play (which may be tailored to the category of vessel or the type of fishery and may be limited to the collection of catch/effort data and the collection of scientific samples, or may include the authority to register and/or report violation of management measures).	X	✓	X	N/A	N/A	(B1) Sections 78–80	

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
68.	– Ensure observers have full access to all parts of the vessel and its equipment and to any place in the country where fish that have been caught in national waters are uploaded, processed, stored or transshipped.		X	✓	✓	N/A	N/A	(B1) Section 80(2) (C1) Regulations 33, 44 and 49	
69.	– Design the scheme in line with regional or international requirements, taking into account relevant regional observer programs.		X	✓	X	N/A	N/A	(B1) Section 79	
70.	– Ensure VMS is required for vessels licensed to fish in national waters and ABNJ, detailing specific categories of fishing vessels and/or fisheries to which it applies.		X	∅	✓	N/A	N/A	(B1) Section 27(1)(k) (C1) Regulations 52–53	Provision in (B1) only addresses the installation of VMS as a potential license condition of vessels in and beyond the Gambian fisheries waters.
71.	– Ensure reporting of catch and effort data, clearly identifying the vessels that are expected to report (at least all commercial fishing vessels that fish within national waters and all nationally-flagged vessels authorized to fish within waters under national jurisdiction and in ABNJ), to whom they are required to report (the designated authority), the frequency and timing of their reports, and the method or format in which they are required to report (e.g. weight of fish caught, including percentage of bycatch, species, dates of fishing, fishing zones, gear/methods employed, type of vessel, time of departure from national waters and catch status at that time).		X	∅	✓	N/A	N/A	(B1) Section 27(1)(h) (C1) Regulations 26(h)(k)(l), 28, 34, 44(m)(n), 45, 50(g)(h), 51	Provision in (B1) only addresses reporting of information as a potential license condition of vessels in and beyond the Gambian fisheries waters.
72.	– Ensure the establishment and maintenance of a record of fishing vessels licensed to fish in waters under national jurisdiction and nationally flagged vessels authorised to fish in ABNJ with the designation of the authority responsible for its		X	∅	✓	N/A	N/A	(B1) Sections 45 and 106(2)(f) (C1) Regulations 3–9	Provisions in (B1) refers to record of high seas fishing vessels and

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
	maintenance and information to be recorded for each category of vessel.								empower the Secretary of State to make regulations on the registration of fishing canoes, fishing gear and other fishing appliances.
73.	– Ensure the records of industrial fishing vessels include the name of the vessel, the flag state and any previous flag states, the radio call sign, the International Maritime Organization (IMO) number, the automatic identification system (AIS) and the VMS, if relevant the vessel length and tonnage, if relevant the fishing methods and gear used, the name and nationality of operator and beneficial owners of the vessel, and any transgressions of fisheries legislation associated with the vessel.		X	X	∅	N/A	N/A	(c1) Regulations 3–9	(c1) identifies the information to be included in the license of fishing vessels but not in the register of fishing vessels.
74.	– Broadly detail the registration process and ensure registration of all fishing vessels with the relevant fisheries or maritime authority, including information on the name of vessel, the flag state and any previous flag states, the radio call sign, if relevant the IMO number, the AIS and VMS, if relevant the vessel length and tonnage, the name and nationality of the beneficial owners of the vessel, and any transgressions of fisheries legislation associated with the vessel.		X	X	∅	N/A	N/A	(c1) Regulations 3–9	(c1) identifies the information to be included in the license of fishing vessels but not in the register of fishing vessels.
75.	– Detail the specifications for marking vessels and fishing gear in accordance with internationally approved standards.		X	∅	✓	N/A	N/A	(b1) Section 27(1)(j) (c1) Regulations 26, 33, 39 and Schedule VII	Provision in (b1) only addresses marking requirements as a potential license condition of vessels in and beyond the

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
								Gambian fisheries waters.
76.	– Ensure cooperation and coordination between fisheries and maritime authorities throughout the registration process.	X	X	X	N/A	N/A		
77.	– Ensure authorized officers have enforcement powers, allowing them to board and search vessels (at sea and in port) and other premises related with fishing, to examine logbooks, records, gear and catch, to investigate and collect evidence, to seize fish, gear and vessels, and to interrogate, detain and arrest persons associated with reasonably suspected violations.	X	✓	✓	N/A	N/A	(B1) Sections 70–77 (C1) Regulations 6, 26(q), 44(r), 50(p)	
78.	– Ensure the controls placed on landing and transshipping of fish, both at sea and in port, and by national and foreign vessels, is in accordance with regional and international instruments.	X	∅	∅	N/A	N/A	(B1) Section 27(1)(f)(g) (C1) Regulation 72	Provisions in (B1) only address transshipping and landing requirements as a potential license condition of vessels in and beyond the Gambian fisheries waters. Provision in (C1) is limited to regulate landing of by-catch.
79.	– Provide additional VMS specifications and specific details on the registration process.	X*	∅	✓	N/A	N/A	(B1) Section 106(1)(q) (C1) Regulations 52–53	Provision in (B1) empowers the Secretary of State to make regulations on VMS.
	Enforcement processes and sanctions scheme							

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
C.12 Offences, penalties and administrative and judicial processes	80.	– Detail the fisheries-related offences (civil or criminal) and corresponding penalties, weighted depending on the level of severity of the offence but outlined in a way that maintains their strength over time (e.g. utilize formulas such as a percentage of the total market value of the sale of the illegal catch, or penalty units).	X	✓	✓	✓	X	(B1) Various sections and Section 105 (C1) Various regulations (D1) Various sections (D3) Sections 51–57	
	81.	– Establish transparent and equitable administrative processes for determining and confirming offences, applying relevant penalties, with provision for compounding of offences/out-of-court settlement.	X	✓	X	X	X	(B1) Sections 97–98	
	82.	– Establish judicial processes used for determining and confirming offences and applying relevant penalties to the offending parties, allowing for a right of appeal.	X	✓	X	✓	X	(B1) Sections 91–96 (D3) Sections 58–60	

The ecosystem approach to fisheries (EAF) is a risk-based management process for the planning, management, development, regulation and monitoring of fishing and fishing-related activities. EAF addresses ecological consequences of fishing as well as social, economic and institutional aspects of fisheries sustainability. Adequate legislation and regulatory frameworks are key to successful implementation of the EAF. The continuous review and update of information on legislation and regulatory instruments require the analysis of existing legal frameworks at all levels of governance, to assess whether they remain in force, valid and aligned with international fisheries law standards, including the EAF. The present work was prepared with a view to assess the level of alignment of national policy and legal frameworks of the Gambia. Based on this preliminary assessment, policy-makers, legal practitioners and fisheries managers can take the necessary steps for improving the EAF implementation in their country. These steps could involve the amendment of existing legislation and/or enactment of new legislation and development of new policies to bring fully in line with an EAF.

For more information:

The EAF-Nansen Programme

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