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Legal report on the ecosystem approach to fisheries in Sierra Leone

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

FAO EAF-Nansen Programme Report No. 65
EAF-N/PR/65 (En)

A decorative graphic at the bottom of the page consisting of several thick, wavy blue lines that resemble ocean waves. Scattered 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.

The aim of the Programme is that sustainable fisheries improve food and nutrition security for people in partner countries. It builds on three pillars, Science, Fisheries Management, and Capacity Development, and supports partner countries to produce relevant and timely evidence-based advice for management, to manage fisheries according to the EAF principles and to further develop their human and organizational capacity to manage fisheries sustainably. In line with the EAF principles, the Programme adopts a broad scope, taking into consideration a wide range of impacts of human activities and natural processes on marine resources and ecosystems including fisheries, pollution, climate variability and change.

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Legal report on the ecosystem approach to fisheries in Sierra Leone

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Abstract

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

The present legal report on the EAF used the diagnostic tool to assess the alignment of selected policy and legal instruments of Sierra Leone 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 Sierra Leone'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 Sierra Leone. Drafted in July 2021, the report was submitted to the national authorities of Sierra Leone in October 2021, and further revised and resubmitted in November 2022. The Ministry of Fisheries and Marine Resources of Sierra Leone revised and endorsed this EAF Legal Report in February 2023.

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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 and Josephus Mamie. Further improvements were made through the inputs and comments collected from participants in an FAO internal online mock-training in April 2020, in which the methodology and scope were clarified. Appreciation is extended to Blaise Kuemlangan, Buba Bojang and Minmin Lei of LEGN, Merete Tandstad of NFIFM, the participants of the mock-training, and all other FAO colleagues who supported the development of this EAF Legal Report.

We are also grateful to the delegates of Sierra Leone for their participation in the *First Online regional workshop on the use of the Diagnostic Tool on Implementing an EAF through policy and legal frameworks* (15–17 September 2020) and for providing additional information relevant to the present report.

Abbreviations and acronyms

CMA	co-management association
EAF	ecosystem approach to fisheries
EIA	environmental impact assessment
EPA	Environment Protection Agency (of Sierra Leone)
FAO	Food and Agriculture Organization of the United Nations
FMP	fishery management plan
ICCAT	International Commission for the Conservation of Atlantic Tunas
IEZ	Inshore Exclusive Zone
IMO	International Maritime Organization
IUU	illegal, unreported and unregulated (fishing)
MCSE	monitoring, control, surveillance and enforcement
MPA	marine protected area
NWRMA	National Water Resources Management Agency (of Sierra Leone)
RFMO/A	regional fisheries management organization and/or arrangement
SETC	Scientific, Economic and Technical Committee (of Sierra Leone)
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 (Skonhoft, 2011; FAO, n.d-b; FAO, 2016; FAO, 2021a, 2021b, 2021c, 2021d, 2021e).

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

The latest material developed by FAO for the implementation of the EAF through national policy and legal frameworks, published in 2021, is [*A diagnostic tool for implementing an ecosystem approach to fisheries through national policy and legal frameworks*](#) (hereafter referred to as "EAF Legal Diagnostic Tool" (FAO, 2021a, 2021b, 2021c). This tool, which constitutes the basis for the development of the present report, provides important information about the EAF and should be read together with this report. Such relevant information includes a non-exhaustive list of international legal instruments that support the EAF (Appendix A of the EAF Legal Diagnostic Tool), and a non-exhaustive list of examples of selected national policy and legal instruments relevant for the 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 the EAF and the 17 EAF Components can be assessed (FAO, 2016).

1.2 International legally binding instruments and non-legally binding instruments relevant to the 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 Sierra Leone in respect to the EAF’s relevant international legally binding instruments selected from Appendix A of the EAF Legal Diagnostic Tool.

Table 1. Status of Sierra Leone in selected international legally binding instruments relevant to the EAF	
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	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 (UN Fish Stocks Agreement)	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 October 2022.

For the international legally binding instruments that Sierra Leone **is a Party**, and to the non-legally binding instruments that Sierra Leone has endorsed or adopted, it is important to ensure that the relevant provisions of the 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 1995 UN Fish Stocks Agreement of which Sierra Leone is **not yet a Party** it should be noted that the country has taken steps to accede to the agreement, by ensuring that parliament approves its accession, but the instrument has not yet been deposited with the Secretary-General of the United Nations.

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 the 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 the EAF.

2.1 Methodology and scope

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

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

2.1.1 Selection and collection of national policy and legal instruments of Sierra Leone

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 the EAF, including on environment, sea, water, and wild species and ecosystems.¹

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

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

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

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

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

2.1.3 Filling in the Ecosystem Approach to Fisheries Legal Checklist of Sierra Leone

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

Table 3. Meaning of the symbols used in the Ecosystem Approach to Fisheries Legal Checklist		
Symbol	Perceived level of alignment with the EAF legal requirement	
✓	Full or sufficient	Part(s) in the assessed fisheries policy or provision(s) in the assessed legislation <u>totally incorporates</u> the EAF legal requirement.
∅	Partial or insufficient	Part(s) in the assessed policy or provision(s) in the assessed legislation <u>partially incorporates</u> the EAF legal requirement. 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 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 Sierra Leone.

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 Sierra Leone Constitution of 1991, revised in 1996 and last amended in 2016, 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 the EAF (in the case of a policy instrument) or legislating for the 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 the 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.

2.2 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 **Sierra Leone** presented under **Appendix B**.

2.2.1 Fisheries policy

The assessed five policies correspond to A1 to A5 in Appendix A. They cover **37** of the 82 EAF legal requirements.

The main fisheries policy is the *2016 Policy for Fisheries and Aquaculture in Sierra Leone* (hereafter referred to as “Fisheries Policy”) which aims at balancing ecologically sustainable fisheries, economic viability, secure tenure rights and social stability through responsible governance procedures (Section 3.1). There are eight policy areas, each of which with its objectives, outcomes, and monitoring indicators. For instance, policy areas include: conservation and sustainable resource use, which aims at, *inter alia*, guaranteeing healthy ecological systems, supportive participatory sustainable fisheries and aquaculture (Section 3.2.1.1); sustainable artisanal fisheries management, aimed at, *inter alia*, engaging in cooperation for effective management of shared fishery resources and maintenance of healthy ecosystems (Section 3.2.2.1); cross-cutting issues in fisheries and aquaculture, aimed at, *inter alia*, strengthening resilience and reducing vulnerabilities to disaster risk and climate change, and improving working conditions and access to resources for women and youth (Section 3.2.8.1). This policy also sheds light on international principles and instruments, such as the 1995 Code of Conduct for Responsible Fisheries, the 2001 International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing, and the 2014 Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries (Chapter 5.1). Procedural principles and values guiding this policy include transparency, inclusiveness, information sharing, and sustainability (Section 5.2).

The Fisheries Policy requires the competent Ministry to develop fishery management plans (FMPs) for all commercially and recreationally significant species or fisheries that comprise marine, estuarine or fresh water resources, with a view to ensure their long-term viability and sustainable management, including of shared stocks (Appendix 1). It defines a general outline, specifies a time period not exceeding 5 years and details the minimum requirements of the FMPs, which must include, *inter alia*, management goals, objectives, stock assessments, fishery habitat and water considerations in line with the Coastal Habitat Protection Plans, social and economic impact of fisheries, user conflict, conservation and management measures that ensure the protection of marine ecosystems, monitoring and reporting requirements for fisheries, relationship of the FMP with applicable laws and other fisheries (Appendix 1). These FMPs do not follow explicitly the EAF, but rather a “wealth-based fisheries management”, whose principles include generation and equitable distribution of fisheries resources, achieving resources sustainability, economic growth and livelihoods enhancement (Appendix 2).

Complementing this policy is the *2016 Development Strategy for Fisheries and Aquaculture in Sierra Leone to 2030*, which reinforces the Fisheries Policy and provides the overarching aim that the fisheries sector ‘makes a positive net contribution to sustainable development in Sierra Leone’ (Section 3.1). Its purpose is to be achieved based on four elements, including empowering fisheries stakeholders to maximize opportunities for developing the fisheries sector, providing information, infrastructure, and technology (Section 3.2). Among the several activities and outputs of this strategy are: creating a National Fisheries Forum for effectively building partnerships between the government and non-governmental stakeholders for implementing the strategy (Pages 12–13); developing a 20-year Fisheries Master Plan with all relevant stakeholders and developing FMPs for all major fisheries (Page 13).

The *Fisheries Management Plan of Sierra Leone for the marine fisheries sector 2020–2025* seeks to achieve management objectives relevant to the EAF, such as improving the status of target fish stocks within biologically acceptable levels, protecting aquatic and marine habitats and biodiversity, improving the knowledge-base on the status of the fish stocks, and strengthening stakeholder engagement in decision making process (Section 6). The FMP’s establishes management measures for each fishery – shrimp trawlers, demersal trawlers, small pelagic, and tuna species – seeking to “restore the stocks as a whole and the ecosystem wellbeing of the marine environment” (Section 9). Such measures include reducing fishing effort, bycatch and discards, fisheries observers’ programmes, control on fishing methods as well as strengthening control and enforcement. In relation to the management measures for shrimp trawlers, for instance, the FMP provides for the introduction of selective gears to reduce the volume of bycatch, introduction of marine protected areas (MPAs), and for reducing conflict between the industrial and artisanal sectors. For the tuna fisheries, the FMPs measures include the installation of functional vessel monitoring system (VMS) in all tuna vessels, observer scheme and reporting system that are aligned with the International Commission for the Conservation of Atlantic Tunas (ICCAT). The co-management associations (CMA) play an important role in conducting community surveillance patrols, including on the MPAs, for demersal trawlers and small pelagic.

The *Second National Biodiversity Strategy and Action Plan 2017–2026* sets specific targets for the management of fish and invertebrate stocks and aquatic plants and the promotion of responsible fisheries but covers only 16 of the 82 EAF legal requirements. This policy’s vision is to promote the preservation, protection and sustainable management of biodiversity, natural ecosystems and habitats for the benefit, development and prosperity of present and future generations (Page 50). The strategies aim at, *inter alia*, enhance the status of species, habitats, sites and ecosystems in and outside protected areas, and improving living standards, ecosystems services and opportunities for people, especially local communities through sustainable and inclusive biodiversity conservation actions, improving sectoral and public involvement (Page 50).

This policy provides numerous actions with the respective time frame, costs, key indicators and responsible partners. These actions include: developing and implementing public education and awareness program on biodiversity conservation; incorporating awareness raising and environmental programmes for biodiversity into sectoral policies and legislative

frameworks (Page 52); supporting and promoting the establishment of a mechanism and institutional framework for coordination and collaboration among agencies on biodiversity issues (Page 53); conducting research into the status of biodiversity in coastal and marine ecosystems, particularly reefs (Pages 57–58); promoting an integrated approach to the management of marine and coastal ecosystems as well the adoption and implementation of the 1995 FAO Code of Conduct for Responsible Fisheries (Page 58).

Other important actions for the EAF are: identification and demarcation of critical ecosystems under threat; development and implementation of recovery programmes for threatened species and ecosystems; promotion of active participation of local communities in ecological restoration and species recovery efforts (Page 59); assessment of pollution levels from industrial and domestic sources and taking relevant steps to control them (Page 61); conducting a comprehensive scientific study of the major ecosystems biodiversity; developing human resources and strengthening institutional capacity for wildlife management (Page 63); reviewing and incorporating ecologies outside of protected areas into sectoral policies and laws on biodiversity management (Page 67); and adopting a participatory approach to biodiversity planning and decision-making at all levels (Page 77).

The *Conservation and Wildlife Policy of 2010* supports the application of Sections of 7(1), 10(d) and 18(3)(a) of the 1991 Constitution of the Republic of Sierra Leone, revised in 1996 and last amended in 2016 (Chapter 1). This policy follows the principles of sustainable wildlife management; rights-based governance, including participation by and access to information for all relevant parties to wildlife management decisions and their implementation and the application of conflict management methods that protect stakeholders; integrated wildlife conservation; culturally sensitive, knowledge-based wildlife conservation; and effective policy implementation through capacity-building (Chapter 4[4.6]). Many of this policies' strategies are aligned with the EAF too, such as promoting coordination and cooperation with neighbouring and more distant countries in management of migratory species to enhance their viability; control of introduction of alien species of plants and animals (Chapter 5[5.1]); develop management plans for all wildlife conservation areas following best practices approaches, including participation, demarcation, zonation, landscape and ecosystem adaptive management approaches (Chapter 5[5.2]); seek resources to establish monitoring and evaluation systems and capacity for adaptive management of wildlife and apply such approach to wildlife management policy, plans and activities from national to site level and species conservation (Chapter 5[5.4]); promoting wildlife education and awareness (Chapter 5[5.5]). Another important element of this policy is the establishment of a Wildlife Committee at national level to oversee coordination of intragovernmental aspects of its implementation and resolve specific issues of overlapping mandates and interagency collaboration (Chapter 6[6.4]).

2.2.2 Fisheries primary legislation

The assessed fisheries primary legislation corresponds to B1 in Appendix A. It is the *Fisheries and Aquaculture Act of 2018* (hereinafter referred to as "Fisheries Act"), which covers 35 of the 82 EAF legal requirements.

The Fisheries Act defines the EAF as “an approach that balances diverse societal objectives, by taking into account the knowledge and uncertainties about biotic, abiotic and human components of ecosystems and their interactions, and applying an integrated approach to fisheries within ecologically meaningful boundaries” (Section 1). Despite this definition, the Act does not explicitly provide for the application of the EAF and has limited references to ‘ecosystem’. The Act establishes the functions, powers and duties of the Minister responsible for fisheries, notably the following ones aligned with the EAF: designating community fisheries management areas in consultation with the relevant local council devolving designated governance functions on fisheries conservation, management and development to local authorities in relation to those areas (Section 3[2][f]); promoting international cooperation, communication and understanding with other governments, regional fishery bodies and international organizations to harmonise standards and procedures pursuant to minimum standards adopted in international fisheries instruments (Section 3[2][g]); and approving the FMPs (Section 3[2][j]).

The functions of the director of fisheries are also established by the Fisheries Act some of which are relevant for the EAF, including managing and coordinating at national level and, under the policy guidance of the competent minister and following the advice of the Scientific, Economic and Technical Committee (SETC), at regional and international levels: the conservation, management and sustainable use of fisheries resources; fisheries research, training and education, and development of FMPs; granting, renewing, suspending or revoking licenses and authorizations (Section 5[1][b][c]). The SETC is responsible for advising the competent ministry on the biological, social, economic and technical aspects of the fisheries for guaranteeing sustainable management and conservation (Section 7[1]), having the duty to undertake research and data collection to improve scientific and technical knowledge of fisheries including their interaction with the ecosystem (Section 7[4]). Its composition includes representatives of both the industrial and the artisanal fisheries sectors as well as members of the academia and research institutions (Section 7[2]).

The Fisheries Act establishes the fisheries management objectives that are align with the EAF, including: ensuring proper conservation of fisheries resources through the prevention of overfishing and taking a precautionary approach towards harvesting (Section 9[b]); ensuring fisheries conservation and management based on the best technological knowledge and scientific evidence available to maintain or restore stocks, considering the interdependence of stocks and relevant international standards (Section 9[c]); and promoting the development and use of selective, environmentally safe and cost-effective fishing gear and techniques (Section 9 [e]). The competent minister, with the advice of the director of fisheries and in consultation with the SETC, is responsible for issuing conservation and management measures, including the allocation of fishing rights to artisanal fish folks, determining quotas, total allowable catch (TAC), temporal and spatial controls, fishing gear restrictions, fishing efforts, reduction of bycatch, participatory rights, licences or authorisations for fishing vessels and vessels to be used for fishing and fishing related activities or any other purposes under the Act (Section 10[2]). The director of fisheries, in turn, is responsible for, in consultation with the SETC and any other relevant stakeholder, review and implement annual FMPs (Section

11[1]). International and regional cooperation in fisheries management with respect to shared or interrelated stocks are promoted by the Fisheries Act (Section 12).

In relation to fisheries management, the Fisheries Act provides for the registration of any fishing vessel (Section 13), a broad licensing scheme (Sections 14–16), requirements on catch reporting (Section 17) and spatial control by establishing an Inshore Exclusive Zone (IEZ) reserved for artisanal and recreational fisheries (Section 18). In promoting artisanal fisheries, the director of fisheries is empowered to develop sustainable artisanal fisheries using efficient vessels and low impact fishing gear and to establish, in collaboration with relevant stakeholders, artisanal fishers associations to develop market strategies for artisanal fisheries (Section 18).

The Fisheries Act establishes a Monitoring, Control, Surveillance and Enforcement (MCSE) Department responsible for, *inter alia*, MCS of all fishing and related activities, including the management and operation of VMS (Section 19). Also relevant for MCSE are the power of authorised officers specified in this act (Sections 21–29), the establishment of an observers' program (Sections 29–35) and the details on the establishment and maintenance of the VMS (Section 37). Prohibitions on destructive fishing gears (Sections 40–42) and on pollution of fisheries waters are provided by this act as well (Section 49). Both judicial and administrative processes are outlined (Sections 62–82).

2.2.3 Fisheries secondary legislation

The assessed two fisheries secondary legislation corresponds to C1 and C2. They cover **25** of the 82 EAF legal requirements.

The main fisheries secondary legislation is the *Fisheries and Aquaculture Regulations of 2019* (hereinafter referred to as “Fisheries Regulations”), which regulates the previously analysed Fisheries Act. The Fisheries Regulations also contain important provisions for the EAF, requiring the director of fisheries to encourage the participation of stakeholders, including community management associations, in the development of management plans for artisanal fisheries and MPAs (Regulation 3). It provides specifications on spatial control establishing the coordinates of the IEZ (First Schedule), also prohibiting industrial fishing vessels, decked semi-industrial fishing vessel or canoe operating with a canoe support vessel to engage in fishing in the IEZ (Regulation 4). The competent minister is empowered to declare an MPA, by notice published in the Gazette, specifying, *inter alia*, the procedures for stakeholder's coordination, conflict resolution, monitoring and review (Regulation 5).

The Fisheries Regulations also establish additional fishing gears restrictions such as preventing a person to permit, use or attempt to use pair trawling, monofilament net and beach seine net (Regulation 6), and prohibits the harvesting of sea turtles, immature rays or immature sharks (Regulation 9[1]). The competent minister is empowered to, on the advice of the SETC, declare any species of fish to be endangered or threatened with extinction, by notice published in the Gazette (Regulation 10[1]). The provisions on the licensing scheme are elaborated by these regulations with more details on, namely, conditions of the licenses and

the maintenance of a national register of license and authorisation by the director of fisheries (Regulation 24). Transshipment, loading and landing requirements are also provided by these regulations (Regulation 31). The regulations further require the director to establish and maintain a register of vessels presumed to have carried out illegal, unreported and unregulated fishing (Regulation 44).

The *Fisheries (Fees) Regulation*, as revised in 2019, prescribes fees for industrial fishing licences, semi-industrial fishing vessel decked and undecked, transshipment and transshipping fishing vessels, aquaculture, sport fishing and fishery support and processing licenses as well as the period of the license (Regulation 2 and Schedule 1) and supplementary fees for import and export (Regulation 2 and Schedule 2).

2.2.4 Other sectors primary legislation

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

The *Environment Protection Agency Act of 2022* (hereinafter referred to as “Environmental Act”) establishes the Environmental Protection Agency (EPA) (Section 2), whose functions include a range of activities relevant to the EAF, such as coordinating activities related to the environment, facilitating communication between the relevant bodies and the competent minister, collaborating and coordinating with international authorities, cooperating with local authorities to control pollution and protect the environment, promote research for the improvement and protection of the environment, and raise public awareness about the environment (Section 12[2][b][c][e][g][h]). The Environmental Act provides for a licensing system and the undertaking of environmental impact assessment (EIA) for certain activities (Sections 24–33) listed in its First Schedule, which include changes in farming and fisheries practices. It also details the minimum content of the EIA (Third Schedule). The EPA is subject to the obligation of after receiving the EIA from the applicant publish it on the agency’s website or newspaper, allowing for the public to inspect the EIA and provide comments within 14 days (Section 28).

In connection with the “environmental offences” referred in Section 17(3)(a) of Sierra Leone’s Constitution of 1996, the Environmental Act describes as an offence the failure to obtain a valid EIA licence issued by the EPA when undertaking activities listed in the First Schedule (Section 26). The act also prohibits the discharge of toxic and hazardous substance into the air or in or under the land and water of Sierra Leone (Section 36[1][a]). The right of all persons to freedom of access to information concerning environmental management is affirmed by the act (Section 54), which also requires the EPA to gather, analyse, manage and disseminate environmental information (Section 55). A Multilateral Environmental Agreement Implementation Coordination Committee is established by the act, in charge of, *inter alia*, coordinating and enhancing the effective implementation of such agreements ratified by Sierra Leone, and coordinating and gathering information and preparing reports to international organizations about the agreement’s implementation (Section 66). The act also establishes a National Environment Compliance and Enforcement Coordination Committee mandated to coordinate, collaborate, cooperate and build synergies in the enforcement of

environmental laws which is in charge of, *inter alia*, educating the public on environmental laws, compliance practices and enforcement procedures (Section 67).

The *National Water Resources Management Agency Act of 2017* establishes the National Water Resources Management Agency (NWRMA), in charge of ensuring the sustainable management of water resources taking into account, *inter alia*: protection of waters resources for sustainability; promoting community participation and gender equity in the allocation of water resources; reducing and preventing pollution and degradation of water resources; and meeting international obligations in protecting and managing transboundary water bodies (Section 2[1]). It also requires the NRWMA to perform duties based on principles of consultation and participation of relevant state institutions, local communities, women and other relevant stakeholders, and promotion of integrated water resources management (Section 2[4][a][d]). The functions of the NRWMA include: initiating, controlling and coordinating activities concerned with the development and utilization of water resources; cooperating and collaborating with relevant international organisations for the management and utilization of international transboundary watercourses (Section 13[b][i]). The NRWMA is empowered to declare any area to be a National Water Basin managed by the Water Basin Management Board, whose functions include: establishing, in consultation with the NRWA and the local authorities, the water catch management committees for the sustainable management of water catchments, and promoting improved water resources quality and pollution control through collaboration with relevant institutions (Sections 24 and 25[1]).

The *National Protected Area Authority and Conservation Trust Fund Act of 2012* establishes the National Protected Area Authority, whose functions include: ensure the protection of natural ecosystems and threatened biodiversity in the country; develop and implement wildlife conservation education, formulate and implement awareness activities for local communities, schools, and local administration to promote knowledge of and participation in programs and services, relating to socioeconomic and environmental issues including fisheries, water conservation in protected areas and buffer zones (Section 12[2][a][g][i]).

The *Mines and Minerals Act of 2009* also requires an EIA license, as prescribed under the Environment Protection Act as a condition for granting a small-scale mining licence or a large-scale mining licence (Section 131). All holders of mineral rights have the duty to carry out operations appropriately to minimize, manage and mitigate any environmental impact including pollution resulting from such operations (Section 132). The EIAs prepared for those mining licenses, in addition to the information required by the EPA, must also have, *inter alia*, detailed description of the environment and applicable measures such as air quality and water quality and detailed description of the project (Section 133).

The *Wildlife Conservation Act of 1972*, as amended in 2022, provides for protected areas, categorised as strict natural reserve for protecting the land, fauna and flora therein from any kind of injury or destruction (Section 4); a national park for propagating, conserving and managing wild animal life and wild vegetation and protecting sites, landscapes or geological formations of scientific or aesthetic value for the benefit and enjoyment of the public (Section 6); or a game reserve in respect of animals of any species, variety, specimen or sex

(Section 10). In these areas, unless otherwise authorised, it is prohibited to hunt or take possession of any wild animal; fish or attempt to kill fish; set any snare, net, trap or other instrument for the purpose of catching or killing animals or likely to do so, nor introduce any species of fauna and flora (Section 7). Prior to the constitution of any of such areas, the minister responsible for agriculture and natural resources matters must publish a notice in the Gazette, specifying the situation and limits of the area of land to be constituted a protected area; and inviting all persons who lawfully enjoy any rights within that area specified in the notice to submit their claims to the exercise of such rights to the reserve settlement officer, and the date, not earlier than thirty days after the date of the publication of the notice, and the place for the hearing by such officer of the claims to right in, over or affecting lands specified in the notice (Section 11[1][a][c][d]).

The *Maritime Administration Act of 2000*, as amended in 2007, outlines the mandate of the Sierra Leone Maritime Administration, which include ensuring, in collaboration with such other public bodies as the Board may determine, the prevention of maritime source pollution, protection of marine environment and response to marine environment incidents, and liaising effectively with other public bodies of maritime transport and related transport matters for the harmonisation of activities in the maritime industry (Section 10[2][h][k]).

The *Merchant Shipping Act of 2003* requires the registration of fishing vessels (Sections 5–52) and broadly provided for their marking (Section 25).

2.2.5 Other sectors secondary legislation

The other sectors secondary legislation corresponds to E1 to E2 in Appendix A.

The *Environmental and Social Regulations for the Mineral Sector of 2012* apply to corporate bodies and individuals applying or issued mineral rights, regulating the previously analysed Mines and Mineral Act. The regulations outline some relevant EAF principles, including: the sustainability principle, the precautionary principle, the general duty to protect the environment and legal responsibility, access to information, public participation and public consultation (Sections 8, 10, 11, 14–16). It ensures that prior to granting an environmental licence the local community affected by the project participates in the procedures, and that such participation is designed to identify all relevant social issues that could contribute to harmful effects on the local community and to guide setting development priorities, joint planning, implementation, management, and monitoring of sustainable development projects (Section 31).

The *Maritime Zones Decree of 1996* establishes the maritime zones of Sierra Leone but does not provide any additional relevant requirements for fisheries and the EAF.

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 Sierra Leone 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, **69** EAF legal requirements were found in Sierra Leone'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 the EAF which may be further elaborated and improved in advancing the implementation of the EAF. Based on the present preliminary assessment, **13** EAF legal requirements remain to be incorporated in the policy and legal frameworks of Sierra Leone.

The assessed policy and legal instruments did not provide for the principle of reducing and managing conflicts over fisheries resources and ecosystems, as well as associated requirements on conflict management, including their period review, and related processes, as required under EAF Component 7. There are also gaps in respect of ensuring periodic review of managed aquatic ecosystems and integrated management plans, in alignment with EAF Component 8. Various issues remain unaddressed by the assessed policy and legal instruments concerning detailed regulation on TAC, catch and effort controls, licensing scheme as well as parameters and procedures for spatial and temporal controls, as required under EAF Component 9.

The regulation of MCSE can also be improved, particularly in respect of the required information on the recording of information from industrial fishing vessels and registries of fishing vessels, as part of EAF Component 11. Another relevant issue not found in the assessed policy and legal instruments concern the incorporation of habitat and biodiversity in management measures and coordination between marine environment protection agencies, as required under EAF Component 14.

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

In determining the level of alignment of the assessed policy and legal instruments with the 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 the 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 Sierra Leone, assessed in this Report, incorporate **69** out of the 82 EAF legal requirements, therefore indicating a **medium-high** level of alignment with the EAF.

3.3 Final considerations and proposed way forward

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

Some gaps have been identified which should be addressed to ensure full implementation of the EAF in the country.

The following subjects could benefit from a detailed review and update in the relevant policy and legal instruments: “control on fishing operations” (especially fishing efforts, licensing, and TACs), “fisheries management”, “conservation measures” (especially integrated management of aquatic ecosystems and biodiversity conservation), “and “MCSE” (especially the VMS and detailed registration of fishing vessels, including the cooperation and coordination between fisheries and maritime authorities throughout the registration process).

The review of policy and legal instruments with respect to “fishery management plans”, “fisheries management” and “MCSE” could be led by fisheries whereas others, such as “conflict management” 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, policymakers and fisheries managers in taking the necessary steps for improving the EAF implementation in their country.

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

4. References

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

Identification	Instruments of SIERRA LEONE
A	Fisheries Policies
A1	Fisheries Management Plan of Sierra Leone (2020-2025)
A2	Second National Biodiversity Strategy and Action Plan, 2017–2026
A3	MFMR (2016a) Policy for Fisheries and Aquaculture in Sierra Leone. Prepared by Dr. Andrew Baio.
A4	MFMR (2016b) Development Strategy for Fisheries and Aquaculture in Sierra Leone. Prepared by Dr. Andrew Baio.
A5	Conservation and Wildlife Policy, 2010
B	Fisheries Primary Legislation
B1	Fisheries and Aquaculture Act No. 10 of 2018
C	Fisheries Secondary Legislation
c1	Fisheries and Aquaculture Regulations, 2019
c2	Regulations S.I. No. 14/2006 on fishing fees, as revised in 2019
D	Other Sector's Primary Legislation
D1	The Environment Protection Agency Act No. 15 of 2022
D2	National Water Resources Management Agency Act No. 5 of 2017
D3	National Protected Area Authority and Conservation Trust Fund Act No. 11 of 2012
D4	Mines and Minerals Act No. 12 of 2009
D5	Merchant Shipping Act No. 3 of 2003
D6	Sierra Leone Maritime Administration Act No. 11 of 2000, as amended in 2007
D7	Wildlife Conservation Act No. 27 of 1972, as amended in 2022
E	Other Sector's Secondary Legislation
E1	Regulations of 2012 on environmental and social rules for the Mineral Sector
E2	Decree of 1996 on the establishment of Maritime Zones

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	✓	(A2) Section 1 (B1) Section 2 (C1) Regulation 2 (E1) Regulation 1	
	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*	•	✓	(A3) Section 5.2 (B1) Sections 1 and 9(b) (E1) Regulation 10	Reference in (A3) calls for the application of the precautionary approach, but does not clearly define it.
	3.	– Broaden stakeholder participation with integration of lower level authorities and bodies.	✓	✓	✓*	✓	✓	(A2) Pages 50, 65, 68, 86–88 (A3) Sections 3.2.1.1 and 5.2 (A4) Page 12 (A5) Chapter 4(4.2) (B1) Section 3(2)(f) (C1) Regulation 3 (D2) Sections 2(1)(e) and (4)(a) (E1) Regulation 12	
	4.	– Ensure the right of access to fair and transparent information.	✓	X	✓*	✓	✓	(A2) Pages 85–86 (A3) Section 5.2	

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		
							(A5) Chapter 4(4.2) (C1) Regulations 38(2)(d)(iv) and 43 (D1) Section 55 (E1) Regulation 14	
5.	– Promote institutional coordination, cooperation and integration.	✓	✓	X*	✓	✓	(A2) Page 53 (A5) Chapter 4(4.4) (B1) Sections 18(2)(3) and 19(2) (B1) Section 3(2)(c)(d)(f) (D1) Section 12(2)(b)(e) (E1) Regulation 3(2)(a)	
6.	– Maintain ecological relationships among harvested, dependent and associated species.	X	✓	X*	●	●	(B1) Section 9(c)	
7.	– Promote sustainable development and avoid overexploitation of marine living resources.	✓	✓	X*	✓	✓	(A1) Sections 5 and 6 (A2) Pages 50 and 106 (A3) Section 3.1 (A5) Chapter 4(4.1) (B1) Sections 9(b) and 10(1) (D2) Section 2(1)(b) (E1) Regulation	Overexploitation of biological resources (including fisheries) is identified as a gap in (A2) but avoiding it is not identified as an objective.
8.	– Preserve marine habitat, conserve and restore marine living resources and biodiversity.	✓	✓	X*	X	X	(A1) Sections 6 and 9 (A2) Page 50 (B1) Article 49 (2)	Provisions in (A2) do not include the restoration of marine resources.
9.	– Promote ecosystem well-being, including the human biotic and abiotic components.	✓	X	X*	X*	X*	(A1) Section 9 (A2) Page 50	(A3) Page 10 speaks to “ecosystem health”

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		
							(A3) Page 10	
10.	– Promote adaptive management measures, including their regular monitoring and review.	✓	X	X*	X*	X*	(A2) Pages 53, 58, 88–89 (A5) Section 4(4.5)	
11.	– Harmonize management measures, including those for shared resources.	✓	✓	X*	✓*	X*	(A2) Page 58 (A3) Section 3.2.2.1 (A5) Chapter 4(4.4) (B1) Section 3(2)(g) (D2) Section 2(1)(h)	Provisions in (A2) do not include management measures for shared resources.
12.	– Reduce and manage conflict between users and stakeholders over fisheries resources and ecosystems.	✓	∅	∅	X*	X*	(A1) Section 9 (A3) Appendix I (A5) Chapter 4(4.2) (B1) Sections 3(2) and 18(1) (C2) Regulation 4(2)	Provision in (B1) reserved the Inshore Exclusion zone to artisanal fisheries and (C2) prevents fishing by any other canes except artisanal fishing canoes. So these are means to reduce conflict
13.	– Consider socioeconomic contexts (e.g. employment, livelihoods, equity, poverty, gender) when designing and implementing management measures.	✓	✓	X*	✓*	●*	(A1) Section 6 (A2) Page 50 (A3) Section 3.2.1.1 and 3.2.2.1 (A5) Chapter 4(4.3) (B1) Section 10(2)(e) (D2) Section 2(1)(d)–(f) and (5)(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		
14.	– Promote management measures, designate the authority and outline the timeline and process for their monitoring and review.	✓	X	X*	●*	●*	(A1) Section 9 (A2) Pages 51–80 (A3) Appendix I	
15.	– Provide for the establishment of MCSE measures.	✓	✓	X*	●*	●*	(A1) Section 9(A2) Pages 54, 64 (B1) Section 19	References in (A2) are restricted to the context of EIA requirements
16.	– Promote ecosystem-based research plans/priorities, designate the authority and outline the timeline and process for their monitoring and review.	✓	∅	X*	✓*	●*	(A2) Pages 57–58 (A5) Chapter 5(5.4) (B1) Section 9(2)(i) (D3) Section 12(2)(h)	Reference in (B1) calls for the adoption of conservation and management measures that may provide for marine scientific research, test fishing, marine genetic resources and bio-prospecting but does not require such measures to designate the authority, nor the timeline or monitoring processes.
17.	– Promote the right of access to education and awareness raising on EAF.	∅	X	X*	✓*	●*	(A2) Pages 51–52 (A5) Chapter 5(5.5) (D3) Section 12(2)(g)(i)	References in (A2) and (A5) are generally on education and awareness raising on biodiversity conservation and not specifically on EAF.
	Institutional arrangements							

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.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	✓*	●*	(A2) Page 59 (A5) Chapter 5(5.2) (D6) Sections 4, 6, 8, 10	
		(b) overlapped closely and are harmonized with well-established management boundaries and governance structures.	✓	X	X	✓*	●*	(A5) Chapter 5(5.2) (D6) Section 11	
C.4 Stakeholder participation	19.	– Promote states cooperation on the harmonization of management measures and plans (bilaterally, regionally and internationally).	✓	✓	✓	✓*	●*	(A2) Pages 81–82 (A3) Section 3.2.2.1, 3.2.5.1 and Appendix I (A5) Chapter 5(5.1) (B1) Section 3(2)(g) (C1) Regulation 24(2)(4) (D2) Section 13(2)(i)	
C.5 Coordination, cooperation and integration	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	✓	✓*	●*	(A2) Page 65 (A5) Chapter 5(5.2) (C1) Regulation 5 (D3) Section 12(2) (D6) Section 11	Reference in (A2) concerns policy and legislation on inland aquatic ecosystems management.
C.7 Conflict management		(b) outline conservation and management measures, including FMPs, at local and national levels.	✓	✓	✓	✓*	●*	(A1) Section 9 (A3) Appendix I (B1) Sections 3(2)(f) and 10(2) (C1) Regulation 3 (D2) Section 25(1)	
C.8 Integrated management of aquatic ecosystems									

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
	(c) facilitate coordination, cooperation and integration of management decisions, regulatory action, environmental policies, plans and programs.	✓	X	∅	✓	∅	(A3) Page 53 (A4) Page 12 (D1) Section 12(2)(k)(o) (D2) Sections 25(1) and 27(1) (E1) Regulation 3(2)(a)	Provision in (c1) empowers the Minister to declare an MPA and specify procedures for stakeholders coordination. Provision in (E1) concerns mining activities.
	(d) monitor, assess and align the various environmental policies and plans.	✓	X	X	✓*	●*	(A2) Page 67 (A5) Chapter 5(5.4) (D3) Section 12(2)(j)	
	(e) manage conflict over fisheries, relevant resource and ecosystem, including parameters for decision-making and resolving the conflict.	✓	X	∅	X*	X*	(A1) Section 9 (c1) Regulation 5(1)(h)	Provision in (c1) empowers the Minister to declare an MPA and specify the procedures for conflict resolution.
	(f) ensure integrated management of aquatic ecosystems (e.g. integrated coastal zone) based on ecosystem delimitations.	✓	X	X	X*	X*	(A2) Pages 58–59	
	(g) ensure periodic reviews of managed aquatic ecosystems that assess the state of aquatic resources, levels of pollution, habitat degradation and other factors.	X	X	X	X*	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*		

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		
	(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	✓*	✓*	(A5) Chapter 4(4.2) (B1) Sections 3–7 (D1) Section 12 (D2) Sections 2, 13, 27 (D3) Sections 2, 3 and 12 (D6) Sections 3 and 10 (E1) Regulations 3–6	Reference in (A5) promotes the clear definition of roles and responsibilities of all relevant partners
22.	– Outline mandates for the government institutions to: (a) coordinate efforts, cooperate and integrate approaches, from the local to the national levels.	✓	✓	✓	✓	●	(A2) Pages 53, 59 (A3) Section 3.2.2.1 (A4) Page 12 (A5) Chapter 6(6.4) (B1) Section 3(2)(f) (C1) Regulation 3 (D1) Section 12(2)(e) (D2) Sections 13(2)(b), 25(1) and 27 (D3) Section 12(2)(k)	
	(b) coordinate, cooperate and integrate the regional and international processes and arrangements.	✓	✓	X	✓	●	(A3) Sections 3.2.2.1 and 3.2.5.1 (A5) Chapter 5(5.1) (B1) Sections 3(2)(g), 5(1)(b) and 12 (D1) Section 12(2)(c) (D2) Section 13(2)(i) (D3) Section 12(2)(p)	

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) allocate financial, human and material resources to ensure the integration of lower level authorities	✓	✓	X	X	X	(A3) Pages 59, 63, 68, 75–77 (A3) Section 3.2.2.1 (A4) Page 12 (A5) Chapters 4(4.6) and 5(5.6) (B1) Section (11)(5)	Provision in (B1) refers to the delegation of shared management responsibilities to the Community Management Associations. In practice, such associations are provided with finance, technical personnel and even materials to undertake shared activities at their local communities.
	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	✓	X	✓	●	(B1) Section 7(2) (D2) Section 4(2) (D6) Section 3(2)	
C.5 Coordination, cooperation and integration	24. – Establish and properly publicize public meetings or hearings.	X	X	X	✓	●	(D7) Section 11	
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	✓	●	(D1) Section 28 (D2) Sections 32–33 (D7) Section 11 (D4) Section 133(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.8 Integrated management of aquatic ecosystems	26.	– Promote international cooperation for effective integrated management of aquatic ecosystems.	✓	✓	X	✓	●	(A3) Sections 3.2.2.1, 3.2.5.1 and Appendix I (A5) Chapters 4(4.4) and 5(5.1) (b1) Section 3(2)(g) (D1) Section 12(2)(c)	
		Fisheries management Catch/output controls							
C.9 Controls on fishing operations	27.	– Establish limits on the amount of fish that may be removed from a fishery in a given period of time (e.g. TAC), restrict the number of fish that may be landed in a day (e.g. bag limit) or place limits on the amount of acceptable bycatch and/or discards from a fishery – all based on scientific data and maximum sustainable yield and the precautionary principle.	X	X	∅	N/A	N/A	(c1) Regulation 28(d)(ii)	Provision in (c1) entitle the Director to establish additional conditions for semi-industrial vessel relating to the TAC and the type and use of the fishing gear.
C.10 Fishery management plans	28.	– Ensure authority to institute TACs and to allocate individual quotas is representative, including representatives from lower levels of government.	X	✓	∅*	N/A	N/A	(c1) Regulation 28(d)(ii)	Provision in (c1) empowers the Director to institute TAC but does not require the representativeness of the process.
C.17 Monitoring and review	29.	– Ensure procedure for TACs outlines the category of vessels to which the TAC applies; period of time for which the TAC is declared; process for sub-dividing the TAC into individual quotas; timeline, authority and participatory process for periodic monitoring and review.	X	X	X	N/A	N/A		
	30.	– Coordinate the TACs for shared stocks or highly migratory species with international or regional management measures.	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		
	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	X	X*	N/A	N/A		
	33.	– Outline the ability to institute additional catch controls (e.g. bag limits for recreational fishing), including the authority responsible for allocating, issuing and regulating quotas, and the procedure to be followed.	X	X	X*	N/A	N/A		
	<i>Effort/input controls</i>								
C.9 Controls on fishing operations C.10 Fishery management plans C.17 Monitoring and review	34.	– Define a broad fishing 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 14–16 (c1) Regulations 11–26, 28, 30 (c2) Entire regulation	
	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 5(1)(c) and 10(2)(e) (c2) Entire regulation	
	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*	N/A	N/A	(A1) Section 9	
	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		
	38.	– Empower the designated authority to establish additional regulations for licensing.	X*	✓	✓*	N/A	N/A	(b1) Section 10(2)(c) (c1) Regulation 26	
	39.	– Empower authority to regulate effort controls and respective parameters.	✓*	∅	X*	N/A	N/A	(A1) Section 9 (b1) Section 10(2)(b)	Provision in (b1) does not address 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		
									parameters of effort controls
	<i>Fishing gear and method controls</i>								
C.9 Controls on fishing operations C.10 Fishery management plans C.17 Monitoring and review	40.	– Establish requirements on fishing gear and methods that are permitted for use within a given fishery or area, including related technical specifications (e.g. general prohibitions on types of gear, methods, specifications on gear design, minimum mesh sizes).	X	X	✓	N/A	N/A	(A1) Section 9 (C1) Regulations 6–8, 32–35	
	41.	– Outline prohibitions on highly destructive gear and fishing methods (e.g. fishing by toxic substance, explosives, electricity, fishing with the use of light).	X	✓	✓*	N/A	N/A	(B1) Sections 40, 42 and 46 (C1) Regulation 6(h)	
	42.	– Outline requirements aimed at reducing negative impacts of fishing methods and gear (e.g. prohibition of trawling in areas with sensitive seabed habitat, require use of biodegradable nets, restrict the use of FADs or require use of bycatch reduction devices).	✓	∅	✓	N/A	N/A	(A1) Section 9 (B1) Sections 9(e) and 10(2)(b) (C1) Regulation 6	References in (B1) calls for the promotion of the use of selective, environmentally safe and cost-effective fishing gear and techniques and the adoption of conservation and management measures that may provide for, gear restriction, effort limitation and reduction of by-catch.
	<i>Spatial and temporal controls</i>								
C.9	43.	– Regulate area and time in which fishing operations may or may not take place (e.g. closed areas/seasons), closed or	✓	✓	✓*	N/A	N/A	(A1) Section 9 (B1) Section 18	

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
Controls on fishing operations c.10 Fishery management plans c.17 Monitoring and review		restricted-use areas, which prohibit or limit fishing operations (e.g. protection of artisanal fishing).						(c1) Regulation 4	
	44.	– Empower authority to define spatial and temporal controls and the procedure.	✓	∅	X*	N/A	N/A	(A1) Section 9 (B1) Section 10(2)(b)	Provision in (B1) lacks the procedure.
	45.	– Ensure stakeholder and institutional consultation, both at national and lower levels, in the process of defining spatial and temporal controls.	X	✓	✓*	N/A	N/A	(B1) Section 18 (C1) Regulation 3	
	46.	– Establish technical details and specifics on spatial controls.	✓*	X*	✓	N/A	N/A	(A1) Section 9 (C1) Regulation 4 and First Schedule	
	<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.	✓	✓	∅*	N/A	N/A	(A3) Appendix I (B1) Section 3(2)(j), 5(2)(b)(v) and 11 (C1) Regulation 3	Provision in (C1) requires the Director to encourage the participation of stakeholders, including community management associations, in the development of management plans for artisanal fisheries and MPAs but does not establish their roles and responsibilities.
	48.	– Ensure FMPs and measures comply with established integrated management plans for aquatic ecosystems involving e.g. protected areas or critical habitat.	✓	X	X	X*	X*	(A3) Appendix I	

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
49.	– Establish process for approval, adoption and publication of FMP with its periodic review.	✓	✓	X*	N/A	N/A	(A3) Appendix I (B1) Section 11	
50.	– Detail process of drafting FMP, including multi-level and multisector collaboration and consultation with stakeholders, and a participatory transparent process for monitoring and reviewing the FMP at a minimum within five years of their development.	✓	✓	X*	N/A	N/A	(A3) Appendix I (B1) Section 11	
51.	– List the minimum requirements in the FMPs: (a) management objectives that take into account EAF;	∅	∅	X*	N/A	N/A	(A1) Sections 5 and 6 (A3) Appendix I (B1) Section 11(4)(b)	Reference in (A3) does not explicitly refer to the EAF, but rather refers to “wealth-based fisheries management”. References in (A5) does not explicitly refer to the EAF. Provision in (B1) does not refer to the EAF.
	(b) biological description of fishery and ecosystem in which it takes place;	✓	✓	X*	N/A	N/A	(A1) Section 3 (A3) Appendix I (B1) Section 11(4)(a)	
	(c) social, economic and institutional aspects of the fishery;	✓	X	X*	N/A	N/A	(A1) Sections 4 and 6 (A3) Appendix I	
	(d) species composition and levels of bycatch, both retained and discarded;	✓	X	X*	N/A	N/A	(A1) Section 3 (A3) Appendix I	
	(e) ecological relationships between harvested, dependent and associated species;	✓	X	X*	N/A	N/A	(A1) Section 3 (A3) Appendix I	
	(f) impact of other anthropogenic activities on the ecosystem; and	✓	X	X*	N/A	N/A	(A1) Section 4 (A3) Appendix I	

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
	(g) a review of the relationship with other coastal or marine resource management plans.	✓	X	X*	N/A	N/A	(A3) Appendix I	
	Conservation measures							
C.14 Habitat and biodiversity conservation and restoration	52. – Incorporate the consideration of habitat and biodiversity in the processes for establishing management measures (e.g. outline habitats and species related to the fishery and take measures to limit the negative impacts of fishing on them) or gear regulations.	✓	X	X*	X*	X	(A1) Section 9 (A3) Appendix I	
	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	X	✓*	X*	X	(C1) Regulation 9	
	54. – Ensure coordination between the various authorities involved in marine environment protection.	✓	X	X*	✓*	X	(A2) Page 53 (A3) Appendix I (D1) Section 12(2)(b)	Reference in (A2) is limited to the context of biodiversity.
	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. (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	∅	✓	✓*	✓*	●	(A2) Page 67 (B1) Section 47 (C1) Regulation 10 (D7) Sections 29–31, Second and Third Schedules	Reference in (A2) is about conservation programme on threatened species. Provision in (B1) does not provide for consultation.
		✓	X	✓*	✓*	●	(A1) Section 9 (A2) Pages 58, 64, 66–67, 77 (A5) Chapter 5(5.2) (C1) Regulation 5 (D7) Sections 1–28	References in (A2) do not detail the process for the establishment of protected areas.

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		
	coordination with various authorities, both at national and local levels.							
	(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.	✓	X	X*	X*	X	(A2) Page 59	
	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	X*	✓*	X	(A2) Pages 51–52 (A5) Chapter 5(5.5) (D1) Sections 12(2)(h) and 54–56	
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.	✓	✓	✓	✓	●	(A2) Page 61 (B1) Section 49 (C1) Regulation 51(1)(2)(e) and Fourth Schedule (D1) Section 36 (D2) Section 25(1)(f) (D6) Section 10(2)(h)	
	(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	X	(C1) Regulations 7–8	
	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	✓	✓	✓	✓	●	(A4) Chapter 5(5.1) (B1) Sections 14(1)(f), 55(1)(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		
		establish measures to prevent the escape of exotic species into the wild.						(c1) Regulation 11(1)(g) (p7) Section 7(k)	
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	✓	●	(p4) Entire Act	
	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	✓	●	(A5) Chapter 5(5.2) (b1) Section 51(3)(g) (p1) Sections 24–33, First to Third Schedules (p4) Sections 131–132	Reference in (A5) fosters the incorporation of wildlife conservation into rural planning and development activities, including through EIAs. Provision in (b1) requires an aquaculture management plan to provide requirements on EIAs
	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*	✓	●	(p1) Section 27 and Third Schedule (p4) Section 133	
	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	X	X*	X*	✓	●	(p1) Sections 24–33, First to Third Schedules (p4) Sections 131–133	

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		
	with other relevant government institutions or localities, and determination of adequate mitigation measures.								
	Fishery monitoring and research								
C.13 EAF research	63.	– Establish research programme for furthering the knowledge and understanding of EAF.	✓	✓	●*	∅	●*	(A2) Pages 57–58, 63 (A5) Chapter 5(5.4) (B1) Section 7(4) (D3) Section 12(2)(h)	Provisions in (D3) refer broadly to the environment.
	64.	– Designate authority for conducting and involving stakeholders in the research programme.	✓	✓	●*	✓	●*	(A2) Pages 57–58, 63 (B1) Sections 5(1)(b)(iv) and 7(4) (D1) Section 12(2)(g)	
	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*	(A5) Chapter 5(5.4) (B1) Section 7(4)	
	66.	– Consider the findings of the EAF research in the adoption of conservation and management measures.	X	✓	●*	X	X*	(B1) Section 7(1)(4)	
	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	✓	✓	✓	N/A	N/A	(A1) Section 9 (B1) Sections 29–35 (C1) Regulation 26 (1)	

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
		authority to register and/or report violation of management measures).							
	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 32 (c1) Regulations 26 (1)	
	69.	– Design the scheme in line with regional or international requirements, taking into account relevant regional observer programs.	X	✓	✓	N/A	N/A	(b1) Section 30(3) and 31(1) (c1) Regulations 26 (1)	
	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.	∅	∅	●	N/A	N/A	(A1) Section 9 (b1) Section 37	Reference in (A1) does not require VMS for vessels authorised to fish in ABNJ. Provisions in (b1) grants the Director with the power to establish and operate the VMS, which may be required under a license, but does not specify the requirements, including the categories of vessels to which it applies.
	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	∅	✓	✓	N/A	N/A	(A1) Section 9 (b1) Section 17 (c1) Regulations 27 and 29, 39–44	Reference in (A1) does not require reporting of catch and effort data to vessels authorised to fish in ABNJ.

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		
	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).								
72.	– Ensure the establishment and maintenance of a record of fishing vessels licensed to fish in waters under national jurisdiction and nationally flagged vessels authorised to fish in ABNJ with the designation of the authority responsible for its maintenance and information to be recorded for each category of vessel.		X	∅	✓	N/A	N/A	(b1) Section 13(1) (c1) Regulations 24 and 44	Provision in (b1) indicates the authority responsible for the issuance of the certificate of registration but does not require the establishment of a national register of licenses and authorizations.
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) Tenth-Twelfth Schedules	Schedules in (c1) specify the information to be provided by vessels entering into port and the respective information verified through the inspection at port but does not required records keeping with the information required.
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		X	✓	●	∅	N/A	(b1) Section 13 (d5) Sections 5–52	Provision in (d5) broadly provides for the registration of vessels and the procedures to be followed but does not provide for all 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		
	of the vessel, and any transgressions of fisheries legislation associated with the vessel.							relevant information to be registered.
75.	– Detail the specifications for marking vessels and fishing gear in accordance with internationally approved standards.	X	X	✓	∅	N/A	(c1) Regulations 25(a), 28(b), 30(1), 34 and Fifth Schedule (d5) Section 25	Provisions in (d5) broadly provides for identification marks of fishing vessels.
76.	– Ensure cooperation and coordination between fisheries and maritime authorities throughout the registration process.	X	∅	∅	N/A	N/A	(b1) Sections 13(1) 19(2)(3) (c1) Regulation 24(2)–(4)	Provisions in (b1) cross refer to the registration requirements under the Merchant Shipping Act and provide for cooperation for MCSE purposes not directly related with the registration process. Provision in (c1) is limited to address the function of the fisheries Director in the registration process.
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	✓	X	N/A	N/A	(b1) Sections 20–28	
78.	– Ensure the controls placed on landing and transshipping of fish, both at sea and in port, and by national and foreign vessels, is in accordance with regional and international instruments.	✓	✓	✓	N/A	N/A	(A1) Section 9 (b1) Section 48 (c1) Regulation 31	

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		
	79.	– Provide additional VMS specifications and specific details on the registration process.	X*	∅	●	N/A	N/A	(b1) Section 37	Provisions in (b1) grants the Director with the power to establish and operate the VMS which may be required under a license but does not specify details on the registration process.
		Enforcement processes and sanctions scheme							
C.12 Offences, penalties and administrative and judicial processes	80.	– Detail the fisheries-related offences (civil or criminal) and corresponding penalties, weighted depending on the level of severity of the offence but outlined in a way that maintains their strength over time (e.g. utilize formulas such as a percentage of the total market value of the sale of the illegal catch, or penalty units).	X	✓	✓	✓	X	(b1) Sections 40–49, 65, 68–69 and others (c1) Regulations 51–56 and others, Fourth Schedule (d7) Various sections	
	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	(b1) Sections 79–82	
	82.	– Establish judicial processes used for determining and confirming offences and applying relevant penalties to the offending parties, allowing for a right of appeal.	X	✓	●	✓	X	(b1) Sections 62–64, 67–78 (d7) Sections 57–65	

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

For more information:

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