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Legal report on the ecosystem approach to fisheries in Equatorial Guinea

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

FAO EAF-Nansen Programme Report No. 74
EAF-N/PR/74 (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 serve as a stylized representation of 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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By Julia N. Nakamura and Teresa Amador

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Abstract

Legislating for the ecosystem approach to fisheries (EAF) is complex, due to the holistic nature of the EAF involving multiple factors that underpin the social, economic, environmental, and institutional aspects of fisheries sustainability. These factors include ecosystems integration, risks, intersectoral collaboration, research, participatory processes, monitoring, control, surveillance, and enforcement. 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 Equatorial Guinea 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 Equatorial Guinea'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 Equatorial Guinea. Drafted in November 2021, the report was revised and resubmitted to the national authorities in August 2024. The report was endorsed by the Ministry of Agriculture, Livestock, Forestry, Fisheries and the Environment in December 2024.

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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 reviewed by Teresa Amador. Further improvements were made through the inputs and comments collected from participants in an FAO internal online mock-training in April 2020, in which the methodology and scope were clarified. Appreciation is extended to Blaise Kuemlanguan and Buba Bojang 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 Equatorial Guinea for their participation in the *Fifth Online regional workshop on the use of the Diagnostic Tool on Implementing an EAF through policy and legal frameworks* (26–29 April 2021), and for providing additional information relevant to the present assessment.

Abbreviations

AIS	automatic identification system
CRN	coral reef network
CONAMA	<i>Comisión Nacional de Medio Ambiente</i> [National Environmental Commission]
CONAP	<i>Consejo Nacional de Planificación</i> [National Planning Council]
EAF	ecosystem approach to fisheries
EEZ	exclusive economic zone
EIA	environmental impact assessment
ENPADIB	<i>Estrategia Nacional y Plan de Acción para la Diversidad Biológica</i> [National Strategy and Plan of Action for the Conservation of Biological Diversity]
FAO	Food and Agriculture Organization of the United Nations
FMP	fishery management plan
FONAMA	<i>Fondo Nacional de Medio Ambiente</i> [National Environmental Fund]
IMO	International Maritime Organization
IUU	illegal, unreported and unregulated (fishing)
MCSE	monitoring, control, surveillance and enforcement
PNSA	<i>Programa Nacional para la Seguridad Alimentaria</i> [National Programme for Food Security]
REDD	Readiness and Preparation Plan
RFMO/A	regional fisheries management organization and/or arrangement
SONAPESCA	<i>Sociedad Nacional de Pesca Marítima</i> [National Maritime Fisheries Society]
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.a). Among the many ways or processes through which the EAF can be implemented is the review of national policies and/or legislation, which provides a country the opportunity to reassess its respective policy and legal frameworks, identify the gaps and/or needs for improvement, and present recommendations for enacting new policy and/or legal instruments for the EAF, and/or amending the existing ones so that they are appropriately aligned with the EAF.

FAO's initiative to promote legislating for the EAF has been undertaken through the development of studies, guidance materials and tools (Skonhofs, 2011; FAO, n.d.b; FAO, 2016; FAO, 2020; 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 an EAF through national policy and legal frameworks, published in 2021, is [A diagnostic tool for implementing an ecosystem approach to fisheries through national policy and legal frameworks](#) (hereafter referred to as "EAF Legal Diagnostic Tool" (FAO, 2021a, 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 an EAF (Appendix B of the EAF Legal Diagnostic Tool).

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

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

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

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

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

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

In light of these considerations, Table 1 below provides the present status of Equatorial Guinea 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 Equatorial Guinea 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	Not a Party
1995 United Nations Agreement for the Implementation of the Provisions of the LOSC relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks	Not a Party
2009 Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing	Not a Party

Note: In accordance with the information provided in the secretariats of the international conventions and agreements as of November 2024.

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

With regard to the 1993 Compliance Agreement, the 1995 UNFSA, and the 2009 PSMA, which Equatorial Guinea is **not yet a Party**, it is important to identify and analyse the reasons preventing the country’s consent to be bound by such instruments and raise awareness to the importance of the international fisheries governance framework. Such analysis is however beyond the scope of this report. It should be noted that the country has been actively working towards its accession to the PSMA.

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

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

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

2.1 Methodology and scope

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

During the elaboration of this EAF Legal Report, a senior official from the Ministry of Agriculture, Livestock, Forestry, Fisheries and the Environment of Equatorial Guinea was contacted and provided additional information concerning the implementation of the EAF at national level, which has been included in this report.

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

2.1.1 Selection and collection of national policy and legal instruments of Equatorial Guinea

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

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

Additional relevant information was provided by the National Focal Point, which, together with the relevant information for the EAF available at FAOLEX in May 2024, 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.

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 (VMS), fisheries research, fisheries fund, small-scale fisheries.	Searching for the EAF legal requirements not found in the relevant parts of the fisheries policy nor in the provisions of the fisheries primary legislation.
4th	Other sector’s primary legislation: an act, code or law on the relevant sectors of <i>inter alia</i> environment, sea, water, and wildlife species and ecosystems.	Searching for the EAF legal requirements not found in the relevant parts of the fisheries policy nor in the provisions of the fisheries primary and secondary legislation.
5th	Other sector’s secondary legislation: a decree, regulation, order, ordinance regulating the primary legislation of other sectors assessed under step 4.	Searching for the EAF legal requirements not found in the relevant parts of the fisheries policy nor in the provisions of any of the previously assessed legal instruments.

2.1.3 Filling in the Ecosystem Approach to Fisheries Legal Checklist of Equatorial Guinea

The EAF Legal Checklist provides the EAF legal requirements structured by the 17 EAF Components, based on a stepwise 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 Equatorial Guinea (FAO, 2021, Subsection 3.2). In filling it in, priority was given to assessing the EAF legal requirements in the fisheries policies and primary/secondary legislation. In this process, the different symbols presented in Table 3 below were used.

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

Note: 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

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 Equatorial Guinea.

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 Equatorial Guinea Fundamental Law promulgated on 16 February 2012,² were considered particularly relevant in incorporating the EAF legal requirements. These parts and legal provisions which, without prejudice to others that may also be relevant, were considered good examples of addressing an EAF (in the case of a policy instrument) or legislating for an EAF (in the case of a legal instrument), have been

² The text of the Fundamental Law was adopted on the basis of the previous Constitution of 1995, which was submitted to a constitutional referendum on 23 November 2011.

highlighted in the main findings under subsection 2.2 below as good practice in legislating for the EAF.

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 **Equatorial Guinea** presented under **Appendix B**.

2.2.1 Fisheries policy

The assessed five fisheries policies correspond to A1 to A5 in Appendix A. They cover **12** of the 82 EAF legal requirements.

The *2021–2035 National Strategy of Sustainable Development* aims, among others, to combat climate change and the degradation of nature; promote active citizenship and equal opportunities; eliminate all forms of discrimination against women and girls; expand development throughout the national territory; and ensure judicial independence and legal certainty (Article 3). Environmental sustainability and territorial development is one of its four Strategic Axes (Article 4). The institutional framework for the implementation of the Strategy is made of four bodies (Article 6): the National Council for Sustainable Development, the supreme monitoring and supervisory body chaired by the Chief of State (Article 7); the National Planning Council (CONAP), chaired by the Prime Minister, as the highest body in charge of coordinating, articulating and supporting short, medium and long-term planning, guiding the public policy cycle and the prioritisation of investment resources within the framework of the National Planning System (Article 10); the National Agency for the Development of Equatorial Guinea in charge of monitoring, supervising and technically evaluating the implementation of the National Development Agenda (Article 13); and the Equatorial Guinea 2035 Observatory, under CONAP, as the main unit to ensure the participation and consultation of the other public authorities, civil society, economic and social partners and the private sector, as well as the agencies of the United Nations System and local governments (Article 16). The composition, organisation and operating procedures of these bodies are to be established by decree (Articles 9, 12, 15 and 17). The implementation mechanisms are established under Chapter III. The tracking and collection of information on progress towards achieving the predefined goals of the Strategy are determined and well as its evaluation aimed to measure the impact of the Strategy and assess its results on systems and policy objectives (Pages 177–179).

Under its strategic objectives the following are relevant for fisheries: elaboration of Action Plans to develop projects to support fisheries, water resources and other alternatives (Page 154), effectively regulate fisheries exploitation and end overfishing, illegal, unreported and unregulated (IUU) fishing and destructive fishing practices by implementing science-based management plans to restore fish stocks in the shortest possible time and increase economic benefits from the sustainable use of marine resources, in particular through sustainable management of fisheries, aquaculture and tourism (Page 160).

The *2005–2020 National Strategy and Plan of Action for the Conservation of Biological Diversity (ENPADIB)* follows an ecosystem, participatory and multidisciplinary approach (Pages 11–15) in reviewing the 2005 ENPADIB. One of its strategic objectives is the establishment of non-formal education programmes for the valuation and sustainable use of native resources, seeking the participation of the public sector, private sector, NGOs and ethnic groups (Page 68) and awareness raising campaigns, including the elaboration of a national plan of awareness raising and information (Pages 76–78). Specifically with regard to fisheries the ENPADIB establishes the strategic objective of achieving more efficient and selective fishing methods and increase control of fishing pressure on aquaculture species under which specific activities include: the design and implementation of an integrated national fisheries for managing data from the institutions with competences in the fisheries sector and the design and enforcement of efficient and sustainable fishing methods and sustainable fishing methods (Pages 85–86). For its proposed objectives priority actions, competent authorities and respective schedule are identified (Pages 76–108). The ENPADIB is to be implemented by the CONAMA (National Environment Committee), a structure created by the Environmental Law No. 7 of 2003 (see below).

The *2012 National Programme for Food Security (PNSA)* describes the fisheries sector (Pages 54–61) and the following challenges: physical (lack of adequate infrastructures and landing points for artisanal fishing, lack of materials and equipment for fishing, lack of communication between fisheries and consumers due to the distance); technical (absence of modern infrastructures and limited conditions and capacity of the fishing vessels); economic (lack of a financial and credit system in the small-scale fishing sector and the lack of private investors in the sector); institutional (lack of trained personnel, particularly in the field of research and to enforce the law); and socio-cultural (low level of education of the fishers and their limited technical knowledge). The PNSA presents and identifies under its subprogramme 2 on sustainable diversification of animal production specific objectives for fisheries development (Pages 109–114) which include: training of fishers, women and operators; strengthen the statistical collection and exploitation system to enable monitoring the fisheries resources; and establishing a fishing surveillance system in the 12 miles of the coastal zones.

The *2019 Equatorial Guinea National Readiness and Preparation Plan (REDD) + Strategy* designed to combat climate change is guided by the principles of good governance: accountability, effectiveness, efficiency, equity, participation and transparency, as well as the application of a multi-sectoral and territorial development approach. Mangroves are identified as an important ecosystem in the country that is at high risk of deforestation and degradation due to the use of their wood as fuel for smoking fish, for which demand is increasing. One of its 8 axes is the conservation of forest carbon stocks in priority ecosystems. under which the improved participatory mangrove management and conservation, in line with efforts to develop the fisheries sector, is identified as a priority action (Pages 28 and 29). The *2020 National REDD+ Investment Plan of Equatorial Guinea* is an instrument to mobilise the necessary resources for the implementation of the National REDD+ Strategy in the global fight against climate change.

2.2.2 Fisheries primary legislation

The assessed fisheries primary legislation corresponds to B1 in Appendix A. It covers **43** of the 82 EAF legal requirements.

The *2017 Law Regulating Fishing and Aquaculture Activities in the Republic of Equatorial Guinea* (hereinafter Fisheries Law) implements the precautionary principle in ensuring the balanced, responsible and sustainable exploitation of fisheries resources in the long term (Article 5[a]) and conserving, managing and developing fisheries for the sustainable benefit of the population of Equatorial Guinea to ensure that fishery resources are maintained or restored to levels that can produce the maximum sustainable yield (Article 6[a]). Other relevant principles are to protect biodiversity in the marine environment, especially habitats of particular importance for fisheries resources, namely mangroves, to prevent and report on IUU fishing and to establish a sanctioning system based on principles of dissuasion, proportionality and progressiveness (Article 6[d],[f] and [j]).

The Fisheries competent authority is the ministry in charge of fisheries who is competent to, among others, formulate, coordinate and implement the national fisheries policy, as well as the plans and programmes derived from it, establish rules for the exploitation, management, conservation and transfer of fishery resources, define closed seasons and areas and propose, coordinate and execute the general policy of MCS (Article 7). The same ministry is designated as the Aquaculture competent authority (Article 8).

The Fisheries Law also establishes the National Commission of Fishing and Aquaculture which shall be consulted in the process of defining and adopting fisheries policies and subsequent regulatory acts namely with regard to the Fisheries Policy, the fishery management plans (FMPs) and the total allowable catch (TAC) (Article 9) and defines its composition, which includes several ministries and representatives from the *Sociedad Nacional de Pesca Marítima* [National Maritime Fisheries Society of Guinea Equatorial] (SONAPESCA), artisanal fishing and vessels owners (Article 10).

FMPs are to be proposed by the Fisheries competent authority to the Government (Article 7[2][a]), approved by Council of Minister and implemented by the competent services (Article 54). The Law also establishes the aims (Article 50) and contents (Article 51) of the FMPs which may have the duration of two years but are to be reviewed no later than 15 December each year (Article 55).

A broad licensing system is established (Article 12–20 and 30–34) to which restrictions may apply including closed areas and seasons, minimum allowable catch sizes, maximum allowable fishing volumes, size and species except for fisheries regulated by RFMOs which apply their own system (Article 29).

The Fisheries Law establishes the Artisanal Fisheries Development Fund (Article 63) to encourage and promote, among others: the provision of assistance to local fishing

associations and communities in the management, maintenance, conservation, restoration and utilisation of marine resources and the transfer of knowledge and dissemination of information in these areas (Articles 61). A National Fisheries Development Plan for a period of 10 years is to be developed by the Fisheries competent authority and subject to the National Commission of Fishing and Aquaculture for consultation (Articles 176–179).

The Fisheries Law provides for the establishment of the MCS system by the Fisheries competent authority in close collaboration and coordination with entities, State bodies, and concerned agencies to ensure the sustainable management and conservation of marine resources and refers to regulation the definition of their roles and responsibilities (Article 95). VMS is required for licensed semi-industrial and industrial fishing vessels operating in waters under national jurisdiction, high seas or waters under the jurisdiction of other States (Article 96).

The Fisheries Law establishes that the competent authority is responsible for verifying the history of each fishing vessel prior to registration in order to avoid registering vessels, owners and operators that have engaged in IUU fishing (Article 25). Where there are reasonable grounds for suspecting that a vessel flying the Equatorial Guinea flag has engaged in IUU fishing, the Fisheries competent authority shall cooperate in the investigation at the request of the State or RFMO under whose jurisdictional waters the vessel has engaged in IUU fishing and in case the suspicion is confirmed it shall impose the appropriate sanction on the vessel and inform the State concerned and the RFMO of the outcome of the investigation and the measures taken (Article 152). A fishing monitoring centre is established to prevent IUU fishing (Article 94).

Administrative sanctions are established of which a registration is to be kept by the Fisheries competent authority (Article 154) to be applied by a sanctioning committee which will be responsible for determining its internal rules of procedure and the destination of any fishing gear, catches, equipment and other accessories that may be confiscated (Article 155).

2.2.3 Fisheries secondary legislation

The assessed fisheries secondary legislation corresponds to C1 and covers **two** of the 82 EAF legal requirements.

The *Decree 50 of 2005* establishes SONAPESCA, under the ministry in charge of fisheries (Article 1), to undertake activities to develop maritime fisheries in the country including exporting fisheries products, acquisition and/or chartering of fishing vessels and transport of national fisheries products and direct or indirect operations of refrigeration, conservation, treatment and processing of fishery products and ice production facilities (Article 2). SONAPESCA' Board of Directors, consisting of a minimum of five and a maximum of eight members, from among whom the Chairman shall be appointed (Article 6) are nominated by the President of the Republic (Article 7).

2.2.4 Other sectors primary legislation

The other sectors primary legislation corresponds to D1 to D5 in Appendix A.

The *Environmental Law of 2003* (hereinafter referred to as “Environmental Law”) is anchored in Article 6 of the Constitution, which grants the State with the obligation of promoting and safeguarding the conservation of nature outlines and describes the precautionary approach (i.e., “the absence of certainties on the current scientific and technical knowledge shall never postpone the effective and proportionate measures to prevent a serious and irreversible risk to the environment”), and the principle of participation, which ensures the right of every person to have access to information concerning the environment, know its relationships with dangerous substances and activities, and their duty to actively participate for conserving the environment and contributing to the protection of its surroundings (Article 9).

The Environmental Law contains some relevant EAF legal requirements. It addresses the protection, conservation, restoration and improvement of natural resources on the basis of guiding principles such as the maintenance of essential ecological processes and vital basic systems, the preservation of genetic diversity, the rational use of resources, ensuring the sustainable exploitation of species and ecosystems as well as their restoration and improvement, and the preservation of the variety, singularity and beauty of natural ecosystems and their landscape (Article 11). Natural Resources Development Plan are to be established (Article 13) in accordance with proceedings established by the Environmental law which include public hearing with the population concerned, public information and consultation with the social and institutional interests affected (Article 15). This law also provides for certain areas, including those in national marine waters to be declared protected areas for the purpose of inter alia constituting a representative network of the main ecosystems and natural regions in the national territory and contributing to the survival of communities or species in need of protection through the conservation of their habitat (Article 19[2]). It establishes CONAMA as a consultative and cooperative body in charge of promoting the achievement of the aims of the Law whose objectives and aims are to be established by regulation (Article 43). The Environmental Law also establishes the National Hunting and Fishing Statistical Service under the ministry in charge of fisheries to maintain the most complete and up-to-date information on the populations, catches and genetic evolution of authorised species, which will include the holders of fishing rights (Article 42).

Other relevant provisions regard EIA. The Environmental Law describes the minimum content set for EIA, which comprise, among other elements, the evaluation of the potential direct and indirect effects of the project on the population, wildlife, forestry, soil, air, water, climate change factors, landscape and material values, including historical-artistic heritage as well as the archeologic one; and the measure for reducing, eliminating or compensating the significantly negative environmental impacts and potential existing alternatives to the conditions initially established for the project (Article 50). It further ensures that the proceedings related to EIA are subject to public informative proceedings conducted appropriately and in a timely manner (Article 51). The establishment of the *Fondo Nacional de Medio Ambiente* [National Institute for Environmental Conservation and the National

Environmental Fund] (FONAMA) is also provided therein (Article 155), whose objectives include respectively undertake EIA and suggest the adoption of measures to re-establish the environmental balance (Article 156) and fostering the environmental research and education (Article 157).

The *Waters and Coasts Law of 2007* requires the public management of the water to be guided by the principle of management unit, integral treatment, water saving, decentralization, coordination, efficacy and community participation of the users, and the principle of environmental conservation and protection, restoration and maintenance of natural ecosystems (Article 21). The Waters and Coasts Law also contains rules on the elaboration, update review and approval of hydrological plans (Articles 24–28) and some relevant EAF-related provisions. For instance, it prohibits fishing with the use of explosives or poisons, or any other methods that indiscriminately destroy the species (Article 33). It empowers the ministry in charge of fisheries and environment to establish, in coordination with other relevant ministries, norms related to the creation, conservation and use of protected zones as mandatorily adopted for the purpose of protecting the water bodies, natural and artificial streams, sources of underground water supply for the population, hydraulic projects and installations against threats of contamination, obstruction and other forms of degradation or deterioration (Article 103[8]). The occupation, use and exploitation of public water domain assets that require administrative concession or authorisation, are subject to the payment of a fee for the protection and improvement of the said domain, the amounts of which shall be paid into the FONAMA (Article 112) and entities using resources of the coastal zone are required to finance the creation of pedestrian walkways, all of which rustic, in a manner that will cause the least harm to the ecosystem (Article 148). And the oil refineries, chemical and petrochemical factories as well as the supply installations of liquid fuels that have terminals of loading and unloading hydrocarbons in ports, territorial sea and internal waters, are required to provide measures to prevent and combat spills, and the platforms and installations dedicated to the prospect of hydrocarbons at sea, its exploitation or storage are required to ensure precise measures to prevent and combat potential spills (Article 180).

The *Law that regulates the ports of the Republic of Equatorial Guinea*, of 2020, applies to all ports, including fishing ports (Article 14 B[3]), defining their form of administration, organisation and management, as well as the determination and delimitation of the public port domain, the system of concessions and authorisations, port activity and the provision of port services (Article 2) and establishes the National Port System (Article 13). The Law establishes specific rules for pollution prevention and control in the port public domain under the responsibility of the Port Authorities notwithstanding the power of the Maritime Authority when non-compliance by fishing vessels or port operator with the relevant regulations is detected (Article 9) and foresees the adoption of a National Port Plan, a programming instrument for national port development and the normative guideline for port sector policy (Article 7).

The *Hydrocarbons Law* of 2006 regulates the extractive activities of petroleum in the soil and subsoil of marine areas under the jurisdiction of Equatorial Guinea (Articles 1–2). It provides that all petroleum activities are guided by and implemented in a manner compatible with the

protection and sustainable use of the environment, using best scientific evidence and practices (Article 5). The contractors and concerned associates are required to comply with the applicable requirements of the Environmental Law and all measures to prevent environmental damage, including the development of EIAs, audits, and plans for the rehabilitation of ecosystems (Article 66).

The *Law on the use and management of forests* of 1997 categorizes the areas that integrate the Forestry Production Domain into the forestry parcels, community forests, and national forests (Article 12). It also establishes the National Timber Marketing Office, to secure and facilitate the trade and export of timber, which reports to the ministries in charge of fisheries and forestry (Article 77) and the Office of Control, Information and Promotion of Forest Species for the purpose of promoting and monitoring timber (Article 80).

2.2.5 Other sectors secondary legislation

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

The Hydrocarbons Law (see subsection 2.2.4) is regulated by the *Order No. 1 of 2014* and the *Order No. 4 of 2013*. The latter requires the competent ministry to ensure the application of the Environmental Law and related legislation in the performance of monitoring and inspection of areas authorized for petroleum activities (Article 8[i]). An EIA is required as part of the development and production plan (Article 45[k]) and of the Annual Workplan for the Exploration Phase (Article 80[2][g]). This Order of 2013 also has specific provisions on the protection of the environment (Articles 134–138), establishing, for instance, the responsibilities of the contractors to, inter alia, prevent contamination and protect the environment and living resources.

2.2.6 Additional relevant information from the National Focal Point

According to information provided by the National Focal Point, the ministry in charge of fisheries is presently the *Ministerio de Agricultura, Ganadería, Bosque, Pesca Y Medio Ambiente* [Ministry of Agriculture, Livestock, Forestry, Fisheries and the Environment]. This broad portfolio facilitates coordination among fisheries and the environment.

The Focal Point also informed that the FMP has been elaborated and is pending approval and clarified, after consulting the legal department of the ministry, that there is no secondary legislation in force to implement the Law No. 11 of 2017 Regulating Fishing and Aquaculture Activities since the general regulations previously approved implemented the previous general fisheries laws which have been expressly or implicitly repealed.

The Focal Point also informed that the following regulations have been drafted under Law No. 11 of 2017 Regulating Fishing and Aquaculture Activities and are pending approval: MCS Regulation; VMS Regulation; and Licensing Regulation.

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 Equatorial Guinea 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, **50** EAF legal requirements were found in Equatorial Guinea's policy and legal frameworks assessed in this EAF Legal Report. It should be noted that the 82 EAF legal requirements are considered the minimum standards in legislating for an EAF which may be further elaborated and improved in advancing the implementation of an EAF. Based on the present preliminary assessment, **32** EAF legal requirements remain to be incorporated in the policy and legal frameworks of Equatorial Guinea.

The results obtained in this Report indicate a significant gap in the assessed policy and legal instruments with respect to various EAF Components. It should be noted that many of the gaps identified could be addressed in Regulations of the Fisheries Law, including those that in accordance with the National Focal Point (see subsection 2.2.6) have already been drafted but have not been approved, thus, not included in this assessment. It should be noted that currently there is no fisheries secondary legislation in force in Equatorial Guinea, regulating the Fisheries and Aquaculture Law 11/2017. This Law is not yet implemented by any regulations. The previous general regulations that implemented the Law regulating fishing and aquaculture activity in the Republic of Equatorial Guinea, Law 2/1987 and Law 10/2003, have been repealed, thus no longer valid.

The assessed policy and legal instruments did not provide for the maintenance of ecological relationships among harvested, dependent and associated species as required under EAF Component 1 nor for the consideration of socio-economic contexts, conflict management over fisheries nor conflict management review process, as required under EAF Component 7. Improvements are also required with regard to management boundaries and measures as required under EAF Component 2 and stakeholders' participation as well as the need to allow sufficient and reasonable time for comments on proposed management decisions or actions, as required under EAF Components 4 and 5.

The assessed policy and legal instruments also lack detailed procedures on TAC and improvements are required in monitoring the catch and take measures when the TAC is reached and on outlining specific details of the fishing license scheme, as well as on consultations and technical details on establishing special and temporal controls, as required under EAF Component 9

There are also improvements to be made regarding FMPs, which lack provisions on the need to comply with established integrated management plans for aquatic ecosystems, do not require collaboration and consultation with stakeholders in the drafting process, and do not include all the requirements which correspond to EAF Component 10.

With regard to conservation the assessed policy and legal instruments do not establish mechanisms nor authorities responsible for the designation and protection of threatened and endangered species, as required under EAF Component 14, nor provide for the promotion of energy efficiency and prevention and elimination of ghost fishing, as required under EAF Component 15. The reference and provisions on research need to be fully aligned with the EAF as required under Component 13.

In respect of MCSE, which is of particular relevance to the fisheries sector, the assessed policy and legal instruments do not provide details on the registration of fishing vessels, nor require cooperation and coordination between the fisheries and the maritime authorities, and do not establish additional VMS specifications as part of the legal requirements under the EAF Component 11.

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:

Table 4. Criteria for determining the level of alignment of assessed instruments with the EAF		
Number of EAF legal requirements incorporated in the assessed policy and legal instruments	Percentage of the 82 EAF legal requirements incorporated	Overall level of alignment with an EAF
0–30	0–36%	Low
31–50	37–61%	Low-medium
51–61	62–75%	Medium
62–72	76–87%	Medium-high
73–82	88–100%	High

The policy and legal instruments of Equatorial Guinea, assessed in this Report, incorporate **50** out of the 82 EAF legal requirements, therefore indicating a **low-medium** 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 an EAF, contributing to the ultimate goal of sustainability in fisheries.

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

With respect to the assessed policy and legal instruments, some gaps have been identified which should be addressed to ensure full implementation of an EAF in the country. The following subjects could benefit from a detailed review and update in the relevant policy and legal instruments: “principles and objectives” (especially maintenance of ecological relationships and consideration of economic and social aspects); “institutional arrangements” (especially regulation and review of conflict management processes); “stakeholder participation, coordination, cooperation and integration” (especially time for comments on proposed management decisions or actions) and control on fishing operations” (especially licensing, and TACs), “fisheries management” (particularly FMPs), “and “MCSE” (especially registration and marking of fishing gear).

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 “institutional arrangements” and “stakeholders participation” 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 an EAF, and/or amending the existing ones to bring them fully in line with an EAF.

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

Identification	Instruments of EQUATORIAL GUINEA
A	Fisheries Policies
A1	2021–2035 Estrategia Nacional de Desarrollo Sostenible - “Agenda Guinea Ecuatorial 2035”
A2	<u>2020 Plan Nacional de Inversión REDD+ de Guinea Ecuatorial</u>
A3	<u>2019 Estrategia Nacional de REDD+ de Guinea Ecuatorial</u>
A4	2005–2020 Estrategia Nacional y Plan de Acción para la Conservación de la Diversidad Biológica (ENPADIB)
A5	2012 Programa Nacional para la Seguridad Alimentaria (PNSA)
B	Fisheries Primary Legislation
B1	2017 Ley No. 11 reguladora de la Actividad Pesquera y Acuícola en la República de Guinea Ecuatorial
C	Fisheries Secondary Legislation
C1	2005 Decreto No. 50, crea la Sociedad Nacional de Pesca Marítima de Guinea Ecuatorial (SONAPESCACA)
D	Other Sector’s Primary Legislation
D1	2020 Ley No. 5 regula los puertos de la República de Guinea Ecuatorial
D2	2006 Ley No. 8 de hidrocarburos de la República de Guinea Ecuatorial
D3	2003 Ley No. 7 reguladora del Medio Ambiente
D4	2007 Ley No. 3 reguladora de Aguas y Costas en la República de Guinea Ecuatorial
D5	1997 Ley No. 1 sobre el uso y manejo de los bosques
E	Other Sector’s Secondary Legislation
E1	2014 Orden No. 1 reglamento de contenido nacional en aplicación de la Ley de hidrocarburos
E2	2013 Orden No. 4 reglamento de operaciones petroleras

Perceived level of alignment with the EAF legal requirement

✓	full	∅	partial	X	none	●	not assessed	N/A	not applicable	*	optional
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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	(A1) Preamble (A2) Page IX (A3) Pages IX and X (A4) Page 16 (A5) Pages 16 and 17 (B1) Article 2 (C1) Article 1 (D1) Articles 1–3 (D2) Articles 2-4 (D3) Articles 4 and 5 (D4) Article 1 (D5) Articles 1 and 2	
	Principles and objectives								
C.1 EAF concepts C.3 Precautionary approach C.4 Stakeholder participation C.6	2.	– Clearly define and apply the precautionary approach.	✓	✓	●*	✓	X	(A4) Page 11 (B1) Articles 5(a) and 6(a) (D2) Article 65 (D3) Article 9	The provision in D2 does not define the precautionary approach.
	3.	– Broaden stakeholder participation with integration of lower level authorities and bodies.	✓	✓	●*	✓	X	(A4) Pages 13–15 (B1) Article 62 (D3) Article 9 (D4) Article 21	

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		
Integration of lower level authorities C.7 Conflict management and C.11, C.13, C.14 and C.17	4.	– Ensure the right of access to fair and transparent information.	✓	✓	•*	✓	X	(A3) Page 29 (A5) Page 123 (B1) Articles 6(e)(iii) and 62(c) (D3) Article 9 (D4) Article 23	
	5.	– Promote institutional coordination, cooperation and integration.	✓	✓	•*	✓	X	(A1) Articles 6–18 (A3) Page 28 (B1) Articles 9 and 10 (D1) Article 58(c) (D3) Articles 38 and 43 (D4) Articles 21, 101–103 (D5) Article 76	
	6.	– Maintain ecological relationships among harvested, dependent and associated species.	X	X	X	X	X		
	7.	– Promote sustainable development and avoid overexploitation of marine living resources.	✓	✓	•*	∅	X	(A1) Entire Policy (A4) Page 11 (B1) Articles 2(a) and 6(a) and (f) (D3) Articles 5 and 11 (D5) Article 1 and 2	The references A4 and provision in D3 and D5 are aimed at promoting sustainable development but there is no specific reference to fisheries resources and the need to avoid their overexploitation.
	8.	– Preserve marine habitat, conserve and restore marine living resources and biodiversity.	∅	∅	X*	✓	X	(A1) Page 160 (B1) Article 6(d) (D4) Article 21	The references in A1 and the provision in B1 do not provide for the restoration of the marine living resources and biodiversity.

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		
9.	– Promote ecosystem well-being, including the human biotic and abiotic components.	X	✓	•*	•*	•*	(B1) Article 6(a)	
10.	– Promote adaptive management measures, including their regular monitoring and review.	∅	X	X*	X*	X*	(A1) Pages 177–179 (A4) Page 99	The references in A1 is for the general monitoring of the Strategy and in A4 is for the general establishment of a Biodiversity Monitoring System
11.	– Harmonize management measures, including those for shared resources.	X	✓	•*	•*	•*	(B1) Article 6(1)(h)	
12.	– Reduce and manage conflict between users and stakeholders over fisheries resources and ecosystems.	✓	X	X*	X*	X*	(A1) Page 89	
13.	– Consider socio-economic contexts (e.g. employment, livelihoods, equity, poverty, gender) when designing and implementing management measures.	X	X	X*	X*	X*		
14.	– Promote management measures, designate the authority and outline the timeline and process for their monitoring and review.	∅	✓	•*	•*	•*	(A1) Pages 177–179 (A4) Page 99 (B1) Articles 7 and 8	The references in A1 is for the general monitoring of the Strategy and in A4 is for the general establishment of a Biodiversity Monitoring System
15.	– Provide for the establishment of MCSE measures.	✓	✓	•*	•*	•*	(A5) Page 110 (B1) Articles 7(2)(q), (v) and 102	
16.	– Promote ecosystem-based research plans/priorities, designate the authority and outline the timeline and process for their monitoring and review.	X	∅	X*	X*	X*	(B1) Articles 6(e) and 7(u)	Provision in B1 provides for the promotion of research but does not require that it is ecosystem-based and designates the responsible authority but does not outline the timetable nor the monitoring and review process.

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		
	17. – Promote the right of access to education and awareness raising on EAF.	∅	X	X*	X*	X*	(A1) Pages 26, 51 and 81–83 (A3) Page 29 (A4) Pages 55–57, 68, 76–78 and 85 (A5) Pages 109–117	The references in A1, A3, A4 and A5 do not include awareness raising on EAF.
	Institutional arrangements							
C.2 Management boundaries and measures	18. – Ensure new management boundaries, measures and plans are: (a) ecologically meaningful considering resource ranges, habitats and other ecological factors.	X	X	X	X*	X*		
C.4 Stakeholder participation	(b) overlapped closely and are harmonized with well-established management boundaries and governance structures.	X	X	X	X*	X*		
C.5 Coordination, cooperation and integration	19. – Promote states cooperation on the harmonization of management measures and plans (bilaterally, regionally and internationally).	X	✓	X	X*	X*	(B1) Articles 4 and 6(i) and (f)	
C.7 Conflict management	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	✓	X	X*	X*	(B1) Articles 9–11	
C.8 Integrated management of aquatic ecosystems	(b) outline conservation and management measures, including FMPs, at local and national levels.	X	✓	X	X*	X*	(B1) Articles 9–11	
	(c) facilitate coordination, cooperation and integration of management decisions, regulatory action, environmental policies, plans and programs.	✓	X	X	X*	X*	(A3) Page 28	
	(d) monitor, assess and align the various environmental policies and plans.	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		
	(e) manage conflict over fisheries, relevant resource and ecosystem, including parameters for decision-making and resolving the conflict.	X	X	X	X*	X*		
	(f) ensure integrated management of aquatic ecosystems (e.g. integrated coastal zone) based on ecosystem delimitations.	✓	X	X	X*	X*	(A4) Page 85	
	(g) ensure periodic reviews of managed aquatic ecosystems that assess the state of aquatic resources, levels of pollution, habitat degradation and other factors.	X	X	X	X*	X*		
	(h) ensure periodic reviews of integrated management plans to assess objectives and indicators and to determine any potential needs for adjustment or revision.	X	X	X	X*	X*		
	(i) ensure periodic reviews of conflict management processes.	X	X	X	X*	X*		
21.	– Clearly outline powers, roles and responsibilities of all bodies, designated authorities, their relationships and processes, avoiding overlapping and conflicting mandates.	✓	✓	✓	✓*	•*	(A1) Articles 6–18 (A4) Pages 13–15 and 35–39 (B1) Articles 6, 7 and 9–11 (C1) Article 3 (D1) Articles 30, 38–40, 69 and 70 (D2) Articles 9, 77 and 80 (D3) Articles 42 and 43, 155–157 and 161–163 (D4) Articles 23, 212–216 (D5) Articles 3, 7 and 52	
22.	– Outline mandates for the government institutions to: (a) coordinate efforts, cooperate and integrate approaches, from the local to the national levels.	✓	✓	X	✓	X	(A1) Articles 6–18 (A3) Page 29 (A4) Pages 78 and 79	

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
							(B1) Articles 9–11 (D1) Articles 21 and 80 (D3) Article 42 and 43, 155–157 and 161–163 (D4) Article 18 and 103	
	(b) coordinate, cooperate and integrate the regional and international processes and arrangements.	✓	X	X	✓	X	(A4) Page 84 and 85 (D1) Article 13, 22 and 30 (D3) Article 19, 43, 142 and 158 (D4) Article 212	
	(c) allocate financial, human and material resources to ensure the integration of lower level authorities	✓	✓	✓	✓	X	(A2) Entire Plan (A5) Pages 111–117 (B1) Article 63 (C1) Articles 4 and 5 (D1) Articles 33, 36 (D3) Articles 155 and 157–160 (D4) Article 112 and 148 (D5) Articles 79 and 102	
	Stakeholder participation, coordination, cooperation and integration							
C.4 Stakeholder participation C.5	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	X	(A4) Pages 35–39 (B1) Articles 9–11	

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, cooperation and integration	24.	– Establish and properly publicize public meetings or hearings.	X	X	X	✓	X	(D3) Article 15	
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	X	X		
C.8 Integrated management of aquatic ecosystems	26.	– Promote international cooperation for effective integrated management of aquatic ecosystems.	X	✓	X	X	X	(B1) Articles 145–152	
		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	(B1) Article 15	
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	(B1) Articles 7(d), 9(d), 81, 83 and 84	
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	X	X	X	N/A	N/A		

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
		quotas; timeline, authority and participatory process for periodic monitoring and review.							
	30.	– Coordinate the TACs for shared stocks or highly migratory species with international or regional management measures.	X	✓	●*	N/A	N/A	(B1) Article 146	
	31.	– Monitor the catch in real-time and close a fishery when the TAC is reached.	X	∅	X*	N/A	N/A	(B1) Article 14	Provision in B1 establishes that the authorization to fish shall be directly related with actual capacity, and the maximum yield but does not provide for the closure of the fishery when the TAC is reached.
	32.	– Attach catch controls to licenses and access agreements, including authority responsible for allocating, issuing and regulating quotas, and the procedure to be followed.	X	✓	●*	N/A	N/A	(B1) Articles 7(k) and 15	
	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	✓	●*	N/A	N/A	(B1) Article 65	
		Effort/input controls							
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	✓	X*	∅	N/A	(B1) Articles 7 k), 12-20, 33 and 34 (D1) Articles 44–55 (D2) Article 43 (D3) Articles 126–139 (D4) Articles 36–47 (D5) Article 18	Provisions in D1, D2, D3, D4 and D5 apply to the licensing of the respective activities which do not include fishing.
	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) Articles 7(k) and 12–20	

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		
	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	✓	●*	N/A	N/A	(B1) Articles 50(e), (g), 113, 142 and 143	
	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) Article 28	
	39.	– Empower authority to regulate effort controls and respective parameters.	X	✓	●*	N/A	N/A	(B1) Article 29	
	Fishing gear and method controls								
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	(B1) Articles 81, 90, 91 and 168(7)	
	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	(B1) Article 163(8) (D4) Article 33	
	42.	– Outline requirements aimed at reducing negative impacts of fishing methods and gear (e.g. prohibition of trawling in areas with sensitive seabed habitat, require use of biodegradable nets, restrict the use of FADs or require use of bycatch reduction devices).	∅	✓	X	✓	N/A	(A4) Page 85 (A5) Page 112 (B1) Articles 91(3) and (4) (D4) Article 33	The reference in A4 generally refers to designing and enforcing compliance with efficient and sustainable fishing methods and in A5 to the development of FADs.
	Spatial and temporal controls								
C.9	43.	– Regulate area and time in which fishing operations may or may not take place (e.g. closed areas/seasons), closed or	X	✓	●*	N/A	N/A	(B1) Articles 29, 45, 47, 65, 81 and 88	

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).							
	44.	– Empower authority to define spatial and temporal controls and the procedure.	X	✓	●*	N/A	N/A	(B1) Articles 7(2)(e), 45 and 65	
	45.	– Ensure stakeholder and institutional consultation, both at national and lower levels, in the process of defining spatial and temporal controls.	X	X	X*	N/A	N/A		
	46.	– Establish technical details and specifics on spatial controls.	X*	X*	X	N/A	N/A		
	<i>Fishery management plans</i>								
C.9 Controls on fishing operations C.10 Fishery management plans C.17 Monitoring and review	47.	– Designate authority with power and responsibility to develop, approve, adopt and publicize a FMP, clearly outlining the roles and responsibilities.	X	✓	●*	∅	N/A	(B1) Articles 7(b), 9(e) 48, 49, 52, 54 and 55 (D1) Article 7 (D3) Articles 13–14 (D4) Articles 24 and 25	Refences in D1 , D2 and D3 refer to the plans of the restive activities.
	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*	X*		
	49.	– Establish process for approval, adoption and publication of FMP with its periodic review.	X	✓	●*	✓	N/A	(B1) Articles 52 and 55 (D3) Articles 15–17 (D4) Articles 24–28	
	50.	– Detail process of drafting FMP, including multi-level and multi-sector collaboration and consultation with stakeholders, and a participatory transparent process for monitoring and reviewing the FMP at a minimum within five years of their development.	X	∅	X*	N/A	N/A	(B1) Article 49	Provision in B1 generally refers to the consultation of the National Commission in the process of adoption pf the FMP.

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		
51.	– List the minimum requirements in the FMPs: (a) management objectives that take into account EAF;	X	✓	•*	N/A	N/A	(B1) Article 51(b)	
	(b) biological description of fishery and ecosystem in which it takes place;	X	∅	X*	N/A	N/A	(B1) Article 51(a) and (c)	Provision in B1 generally refers to the description of the fishery
	(c) social, economic and institutional aspects of the fishery;	X	X	X*	N/A	N/A		
	(d) species composition and levels of bycatch, both retained and discarded;	X	X	X*	N/A	N/A		
	(e) ecological relationships between harvested, dependent and associated species;	X	✓	•*	N/A	N/A	(B1) Article 51(f)	
	(f) impact of other anthropogenic activities on the ecosystem; and	X	X	X*	N/A	N/A		
	(g) a review of the relationship with other coastal or marine resource management plans.	X	X	X*	N/A	N/A		
	Conservation measures							
C.14 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	(B1) Article 45	Provision in B1 refers to conservation measures in general and outlines them without specifically referring to habitat and biodiversity.
	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	(B1) Article 50(m)	Provision in B1 generally refers to prevention of catches of protected species.
	54. – Ensure coordination between the various authorities involved in marine environment protection.	X	✓	•*	•*	X	(B1) Articles 95 and 101	
	55. – Establish mechanisms and designation of authority responsible for establishing:	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		
	(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 coordination with various authorities, both at national and local levels.	✓	✓	•*	✓*	X	(A4) Page 89 (B1) Article 88 (D3) Articles 19–31	
	(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	(B1) Article 50(k) (D3) Articles 11 and 13	Provision in B1 generally refers to the recovery of marine resources and species to their normal and natural status.
	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*	X*	X		
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.	X	X	X	✓	✓	(D2) Articles 12, 32, 65–70 (D3) Articles 64, 101, 116, 124 (D4) Articles 173 and 182 (E2) Articles 134–138	
	(b) promote energy efficiency and reduce emissions that are applicable to fishing vessels, merchant shipping vessels and extractive industries, including through fuel	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		
	efficiency standards, vessel size limitations and equipment restrictions for fishing vessels.							
	(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	X		
	58. – Require authorization prior to the planned introduction of any species, including species meant for aquaculture or fish stocking, taking into account the precautionary approach, and establish measures to prevent the escape of exotic species into the wild.	X	∅	X	X	X	(B1) Article 37	The provision in B1 generally requires an authorisation to introduce aquaculture species but does not require the adoption of a precautionary approach nor the prevention of escape of existing species to the wild.
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	✓	✓	(D2) Entire Law (D3) Articles 180–182 (E1) Entire Order (E2) Entire Order	
	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	X	✓	✓	(A3) Page 28 (D2) Articles 65–66 (D3) Article 49 (E2) Articles 45(k) and 80(2)(g)	
	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*	✓	X	(D3) Article 50	
	62. – Establish process for submission, review and decision-making on the EIS or EIA, with designation of authority responsible for	X	X*	X*	✓	X	(D2) Articles 66, 69 and 70 (D3) Articles 51–59	

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		
	receiving, reviewing and deciding upon the EIS or EIA (e.g. the minister responsible for environment), opportunity for public participation (e.g. comment periods and hearings), consultation with other relevant government institutions or localities, and determination of adequate mitigation measures.								
	Fishery monitoring and research								
C.13 EAF research	63.	– Establish research programme for furthering the knowledge and understanding of EAF.	∅	∅	X*	X	X*	(A3) Page 29 (B1) Article 7(2)(u)	The reference in A3 is for the promotion of research on forests, land-use change and natural resource management and the provision in B1 generally refers to the promotion and support of research without reference to the EAF
	64.	– Designate authority for conducting and involving stakeholders in the research programme.	X	X	X*	X	X*		
	65.	– Ensure the research programme’s objectives are based on EAF principles, which may include research on inter-species interactions, the impact of fishing on target and non-target stocks, the identification of spawning and nursery areas, areas of critical habitat, rates of bycatch and discards per fishery, the incidence and effect of pollution on fisheries, the status of ecosystem biodiversity, the social and economic dimensions (such as employment, food security), income distribution and other considerations.	X	X	X*	X	X*		
	66.	– Consider the findings of the EAF research in the adoption of conservation and management measures.	X	X	X*	X	X*		
	MCSE								

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.11 MCSE	67.	– Outline an observer scheme with details on the categories of vessels/fisheries that it applies to and the role that observers play (which may be tailored to the category of vessel or the type of fishery and may be limited to the collection of catch/effort data and the collection of scientific samples, or may include the authority to register and/or report violation of management measures).	X	✓	X	N/A	N/A	(B1) Articles 112, 128–132	
	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	✓	X	N/A	N/A	(B1) Articles 120 and 128	
	69.	– Design the scheme in line with regional or international requirements, taking into account relevant regional observer programs.	X	✓	X	N/A	N/A	(B1) Explanatory memorandum	
	70.	– Ensure VMS is required for vessels licensed to fish in national waters and ABNJ, detailing specific categories of fishing vessels and/or fisheries to which it applies.	X	✓	X	N/A	N/A	(B1) Articles 96 and 98	
	71.	– Ensure reporting of catch and effort data, clearly identifying the vessels that are expected to report (at least all commercial fishing vessels that fish within national waters and all nationally-flagged vessels authorized to fish within waters under national jurisdiction and in ABNJ), to whom they are required to report (the designated authority), the frequency and timing of their reports, and the method or format in which they are required to report (e.g. weight of fish caught, including percentage of bycatch, species, dates of fishing, fishing zones, gear/methods employed, type of vessel, time of departure from national waters and catch status at that time).	X	✓	X	N/A	N/A	(B1) Articles 59(2), 86, 88, 100 and 165(1)(c)	
	72.	– Ensure the establishment and maintenance of a record of fishing vessels licensed to fish in waters under national jurisdiction and nationally flagged vessels authorised to fish in ABNJ with the designation of the authority responsible for its	X	∅	X	N/A	N/A	(B1) Articles 23–24 and 26–27	Provision in (B1) only applies to semi-industrial and industrial fishing vessel flying the Equatorial Guinea flag.

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
	maintenance and information to be recorded for each category of vessel.							
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	(B1) Article 24	Provision in (B1) specifies the information to be recorded but does not include the AIS, VMS nor the transgressions of fisheries legislation associated with the vessel.
74.	– Broadly detail the registration process and ensure registration of all fishing vessels with the relevant fisheries or maritime authority, including information on the name of vessel, the flag state and any previous flag states, the radio call sign, if relevant the IMO number, the AIS and VMS, if relevant the vessel length and tonnage, the name and nationality of the beneficial owners of the vessel, and any transgressions of fisheries legislation associated with the vessel.	X	X	X	N/A	N/A		
75.	– Detail the specifications for marking vessels and fishing gear in accordance with internationally approved standards.	X	∅	X	X	X	(B1) Article 163(17)	Provision in (B1) classifies as a very serious offence falsifying or concealing the markings, identification, and technical specifications of a fishing vessel but the technical specifications are not detailed and the marking of fishing gear is not required.
76.	– Ensure cooperation and coordination between fisheries and maritime authorities throughout the registration process.	X	X	X	N/A	N/A		
77.	– Ensure authorized officers have enforcement powers, allowing them to board and search vessels (at sea and in port) and other premises related with fishing, to examine logbooks,	X	✓	X	N/A	N/A	(B1) Articles 117, 119 and 128	

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		
		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.							
	78.	– Ensure the controls placed on landing and transshipping of fish, both at sea and in port, and by national and foreign vessels, is in accordance with regional and international instruments.	X	✓	X	∅	N/A	(B1) Articles 21 and 92 (D1) Article 57	Reference in (D1) refer to port inspections in general without specific reference to fish landing or transshipment.
	79.	– Provide additional VMS specifications and specific details on the registration process.	X*	X	X	X	X		
		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	✓	X	(B1) Articles 161–167 and 168–171 (D2) Article 108 (D3) Articles 45 and 46 (D4) Articles 115–117, 119, 200–202 (D5) Articles 98 - 102	The provisions in D2, D3, D4 and and D5 detail offences related with the violation of their respective legal instruments and not fisheries related offences
	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) Articles 153–160 and 172–175 (D2) Articles 109-111 (D3) Articles 44, 47 and 48 (D4) Articles 118–120, 201, 204–211 (D5) Articles 103–100	
	82.	– Establish judicial processes used for determining and confirming offences and applying relevant penalties to the offending parties, allowing for a right of appeal.	X	X	X	X	X		

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

For more information:

The EAF-Nansen Programme

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**Food and Agriculture
Organization of the
United Nations**



Norad



**REPUBLIC OF EQUATORIAL GUINEA
MINISTRY OF AGRICULTURE, LIVESTOCK,
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