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Legal report on the ecosystem approach to fisheries in Sao Tome and Principe

An analysis of the ecosystem approach to fisheries in selected national
policy and legal instruments of Sao Tome and Principe

FAO EAF-Nansen Programme Report No. 71
EAF-N/PR/71 (EN)

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

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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Abstract

Legislating for an ecosystem approach to fisheries (EAF) is complex, due to the holistic nature of EAF involving multiple factors that underpin the social, economic, environmental, and institutional aspects of fisheries sustainability. These factors include ecosystems integration, risks, inter-sectoral collaboration, research, participatory processes, monitoring, control, surveillance, and enforcement, among others. To assess how an 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 Sao Tome and Principe with the EAF. This assessment analysed the extent to which 82 EAF legal requirements, considered to be the minimum requirements to be included in legislative activity for an EAF, are reflected in Sao Tome and Principe's policies and legislation relevant to the country's fisheries sector 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 formulated with a view to improving the implementation of the EAF.

This report was prepared following a participatory approach, involving the relevant national authorities of Sao Tome and Principe. Prepared in early May 2023, the report was presented to the national authorities of Sao Tome and Principe in a face-to-face meeting in Sao Tome later that month. The Minister of Agriculture, Rural Development and Fisheries approved this EAF Legal Report of Sao Tome and Principe in June 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. Further improvements were made through the inputs and comments collected from participants in a FAO internal online mock-training in April 2020, in which the methodology and scope were clarified. Teresa Amador prepared this EAF Legal Report, which was revised and supplemented by the other co-authors. Appreciation is also extended to Blaise Kuemlanguan, Buba Bojang and Minmin Lei of LEGN, Merete Tandstad of NFIFM, the participants of the mock-training, and all other FAO colleagues who supported the development of this EAF Legal Report. This EAF Legal Report was translated from Portuguese to English by Teresa Bettencourt.

This EAF Legal Report also benefited from important inputs from the Directorate of Fisheries and Aquaculture (DPA) of the Ministry of Agriculture, Rural Development and Fisheries (MADRP) of Sao Tome and Principe. The entities that participated in the public presentation of the draft version of this report, which took place on 30 May in Sao Tome, provided additional information relevant to this report. We also express our gratitude to the delegates from Sao Tome and Principe for participating in the *Fifth virtual regional workshop on the Use of the Diagnostic Tool on Implementing the EAF through policy and legal frameworks* (26–29 April 2021) and for providing additional information relevant to this assessment.

Abbreviations and acronyms

EAF	ecosystem approach to fisheries
AMN	National Maritime Authority (of Sao Tome and Principe)
MPA	marine protected area
CNA	National Environment Council (of Sao Tome and Principe)
CITEA	Inter-ministerial Technical Committee on blue economy
CONFFAC	Fauna, Flora and Protected Areas Conservation Council (of Sao Tome and Principe)
CNOMI	National Committee for the International Maritime Organisation (Sao Tome and Principe)
DPA	Directorate of Fisheries and Aquaculture
EIA	environmental impact assessment
FAPP-STP	Federação das Associações dos Pescadores e Palaês de Sao Tome e Principe [Federation of Fishermen and Shellfish Gatherers Associations of Sao Tome and Principe]
IMAP-STP	Maritime and Port Institute of Sao Tome and Principe
MADRP	Ministry of Agriculture, Rural Development and Fisheries (of Sao Tome and Principe)
MCSE	monitoring, control, surveillance, and enforcement
NGO	non-governmental organization
RFMO/A	regional fisheries management organization and/or arrangement
FMP	fishery management plan
SAM	Maritime Authority System (of Sao Tome and Principe)
TAC	total allowable catch
UIEPEA	Blue Economy Strategy Intelligence Unit
VMS	vessel monitoring system
EEZ	exclusive economic zone

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 an EAF, and/or amending the existing ones so that they are appropriately aligned with an EAF.

FAO's initiative to promote legislating for an EAF has been undertaken through the development of studies, guidance materials and tools (Skonhoft, 2011; FAO, n.d-b; FAO, 2016; FAO, 2020; FAO, 2021a, 2021b, 2021c, 2021d, 2021e).

1.1 A diagnostic tool for implementing an 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 an 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 an EAF. Other legally binding instruments in support of an EAF are the applicable conservation and management measures of regional fisheries management organizations/arrangements (RFMO/As) which should also be considered, 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 Sao Tome and Principe in respect to the EAF’s relevant international legally binding instruments selected from Appendix A of the EAF Legal Diagnostic Tool.

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

Note: In accordance with the information provided in the secretariats of the international conventions and agreements as of May 2023.

Sao Tome and Principe is a **Party** to almost all selected legally binding instruments relevant to the EAF. Regarding these instruments as well as the non-binding instruments that Sao Tome and Principe 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.

Regarding the Compliance Agreement and the UNFSA, to which Sao Tome and Principe **is not yet a Party**, it is important to proceed with its accession considering that no reasons have been identified that prevent the country from joining these instruments. It is also important to raise awareness of the importance of the international fisheries governance framework. Such analysis is however beyond the scope of this report.

1.3 Alignment with other relevant FAO initiatives

FAO is also providing technical assistance to Sao Tome and Principe through FISH4ACP, an initiative of the Organisation of African, Caribbean and Pacific States (OACPS), funded by the European Union and the German Federal Ministry for Economic Cooperation and Development (BMZ), which aims to contribute to food and nutrition security, economic

prosperity and job creation by ensuring the economic, social and environmental sustainability of fisheries and aquaculture value chains in Africa, the Caribbean and the Pacific.

FISH4ACP aims to achieve 4 results in Sao Tome and Principe, particularly the improvement of management policies for the sustainable exploitation (catching and marketing) of coastal pelagic species, under which it is planned to prepare a Fisheries Management Plan in 2024, including the review and proposals for improvement of the existing fisheries regulations and enforcement strategy.

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. It also summarises the information provided by Sao Tome and Principe in the framework of the EAF legal questionnaire.

2.1 Methodology and scope

Understanding the complexities, detail and broad range of matters that an 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.

Two DPA legal experts contributed to the preparation of this EAF Legal Report. The entities that participated in the public session for the presentation of the draft version of this report included: Direção Geral do Ambiente e Ação Climática (General Directorate of Environment and Climate Action), Instituto Marítimo e Portuário de Sao Tome e Principe (Maritime and Port Institute of Sao Tome and Principe – IMAP-STP), Capitania dos Portos (Port Authority), Direção das Alfândegas (Customs Directorate), Unidade da Polícia Ambiental e Biodiversidade (Environmental and Biodiversity Police Unit), ACO Fish II, Federação das Associações dos Pescadores e Palaês de Sao Tome e Principe (Federation of Fishermen and Shellfish Gatherers Associations of Sao Tome and Principe - FAPP-STP), OIKOS, MARAPA, and Associação dos Pescadores Praia Gamboa (Association of Fishermen Praia Gamboa). This session took place on May 30th in Sao Tome. These entities also provided supplementary information on the implementation of the EAF at the national level, which was 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 Sao Tome and Principe

The main source for the selection and collection of national policies and legal instruments was FAOLEX (FAO, n.d-b) which, besides the Constitutions of countries, provides a vast electronic

repository of national policy and legal instruments on fisheries and other sectors relevant for an EAF, including on environment, sea, water, and wild species and ecosystems.¹

The national co-authors of this report provided relevant information which, together with the relevant information for the EAF available in the FAOLEX database, 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 fishery's primary legislation of the assessed country.	Searching for the EAF legal requirements in each provision of the fishery's primary legislation.
3rd	Fisheries secondary legislation implementing or elaborating the fisheries primary legislation: fisheries decree, regulation, diploma, 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, and 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: decree, regulation, diploma, order, ordinance, order intended to regulate primary legislation from other sectors assessed in 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 Sao Tome and Principe

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

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

accordance with the typical subjects of a fishery’s primary legislation, without prejudice to the particular structure of the fishery’s primary legislation of Sao Tome and Principe (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.
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 be non-binding in fisheries policy and/or primary/secondary legislation and or primary/secondary legislation in other sectors, so it is not expected to feature in the policy or legal instruments assessed.

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 were filled in indicating: **(i)** the parts of the policy instruments and legal provisions where the EAF legal requirement was found; and **(ii)** additional relevant comments and additional relevant explanatory notes that clarify nuances in assessing the policy and legal instruments and the rational 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 of the policy and/or legal instrument 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 Sao Tome and Principe.

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 Sao Tome and Principe Constitution of 1975, reviewed in 2003, 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 an EAF (in the case of a legal instrument), have been highlighted in the main findings under subsection 2.2 below as good practice in legislating for an EAF.

2.2 Overview and main findings

This subsection provides an overview of the main findings of this desk-based preliminary assessment of the EAF in relation to the selected national policy and legal instruments of Sao Tome and Principe presented under Appendix B, as well as a summary of the relevant supplementary information obtained in Sao Tome and Principe.

2.2.1 Fisheries policy

Sao Tome and Principe does not yet have a specific policy framework for the fisheries sector. The eight fisheries policies assessed correspond to A1 to A10 in Appendix A. These instruments cover **18** of the 82 EAF legal requirements.

The *Programa do XVIII Governo Constitucional para a legislatura 2023–2026* [Programme of the XVIII Constitutional Government for the 2023–2026 legislature] establishes the guidelines of the Government, which undertakes to implement a programme that ensures sustainable and inclusive development (Chapter 1). To increase household purchasing power, it is envisaged to increase fish conservation capacity and identify mechanisms for licensed foreign fishing companies to offload accompanying fauna in the country (Chapter 1.1). To increase exports, modernisation of fishing fleets is envisaged to improve the fish value chain and the safety of fishermen, as well as the revision of fisheries agreements to provide fairer and more sustainable financial benefits for the country and conservation of the maritime ecosystem (Chapter 4.2).

The *Grandes Opções do Plano para o ano económico 2022* [Major Planning Options for the economic year 2022] establish the fundamental strands of government action based on four axes, with fisheries being presented as a key element of the robust economic growth and accelerated job creation axis (Pages 75–76) and foreseeing several activities relevant to the EAF, including an awareness campaign on the value of the correct use of fisheries against improper practices, the promotion of sustainable development of the sector and the strengthening of institutional capacities (Pages 91–92).

The *Estratégia de Transição para a Economia Azul de Sao Tome and Principe de 2021* [2021 Blue Economy Transition Strategy for Sao Tome and Principe] aims to adopt a sustainable management of marine resources with the central objective of boosting the economy, reducing poverty, promoting social inclusion, and preserving or improving livelihoods while ensuring environmental sustainability (Page 4). Fisheries and aquaculture are one of the blue growth sectors (Pages 15–17) in addition to, *inter alia*, tourism and ecotourism (Pages 20–22), renewable energy (Pages 22–23), environment and biodiversity (Pages 23–25) and transport and maritime safety (Pages 25–28).

The strategy approves an Action Plan which, in terms of fisheries and aquaculture, includes the following fields of action: exploiting new potential and resources in the fisheries and aquaculture sector through the use of new technologies; strengthening the sustainability of catching practices and improving platform yields; including blue communities in fisheries and aquaculture development processes; increasing knowledge of fisheries and aquaculture activities with a view to improving governance (Page 49) for which it presents specific actions that include: signing cooperation agreements with neighbouring countries for fishing in their EEZs; protecting catch areas for artisanal fisheries; creating specially protected areas; raising

awareness among coastal communities to protect marine species and minimise overexploitation of fish stocks (Page 50). To implement the strategy, an Inter-ministerial Technical Committee on blue economy (CITEA) is created, which meets at least four times a year and relies on a Blue Economy Strategy Intelligence Unit (UIEPEA) to carry out its tasks (Page 36).

The National Environmental Sanitation Policy [*Política Nacional do Saneamento Ambiental*], as approved by Decree No. 27 of 2018, has the general objective of preserving the environment and improving the quality of life of the population (Page 2428). The principles that guide this policy include: conservation and enhancement of natural resources and the ecosystem; "polluter pays" and "user pays"; universality and equity (Page 2429); prevention and precaution, which are clearly defined, and transparent information management (Page 2430). The policy identifies priority actions and responsible institutions (Page 2452).

The *Estratégia de Segurança Marítima* [Maritime Security Strategy], as approved by Decree-Law No. 2 of 2018, aims to achieve and strengthen maritime governance, through a comprehensive and global approach to the interagency, by 2030, promoting a secure maritime environment, deterrence of transnational threats and crimes, and economic and sustainable development (Page 67). The strategy is guided by the principles of strengthening maritime governance and the rule of law; interagency cooperation; multilateral maritime cooperation; strengthening maritime security for the optimisation of the "Blue Economy" (Page 68). The strategy proposes nine lines of action, including one dedicated to optimising the blue economy by developing and promoting fisheries and aquaculture; preventing, deterring, and eliminating illegal, unregulated and unreported fishing (Page 70).

The *Plano Estratégico e de Marketing para o Turismo em São Tomé e Príncipe de 2018* [2018 Strategic and Marketing Plan for Tourism in Sao Tome and Principe] has the general vision that by 2025, Sao Tome and Principe is the most preserved island tourist destination in Equatorial Africa, with a unique nature and biodiversity (Page 48). The Plan presents five strategic objectives that include preparing Sao Tome and Principe for tourism in a sustainable logic, with positive impacts on local development and contributing to the preservation of natural and cultural sites, namely through the protection of the environment and natural resources and the defence of heritage, diversity, and cultural values (Page 50). Sports fishing is presented as one of the country's differentiating elements (Page 78). The Plan was prepared based on a participatory approach, including the Associação de Pescadores de Sao Tome [Sao Tome Fishermen's Association].

The *Plano Nacional de Desenvolvimento 2017–2021* [National Development Plan 2017–2021] has as its main objective an accelerated equitable economic growth able to reduce poverty and protect the environment, unfolding into five strategic goals associated with the following domains: economic, social, institutional, infrastructure, and environment (Chapter 4). Fishing is considered a key sector, a pillar of economic growth and development for the country, along with agriculture and tourism, affected by coastal erosion and precipitation pattern changes (Chapters 3.2 and 5.1.3). The plan defines specific programs and measures relevant to the EAF, namely: increasing productivity, promoting small and medium fishing industries, and supporting the integration of women to enhance food security and reduce imports, as well as supporting the export of some high-value-added products (Chapter 5.1.1). It also encompasses optimizing the exploitation of fisheries resources through consolidating support for the development of artisanal fishing, including the improvement of supervision of

fishermen's associations, enhancing their safety at sea, promoting access to financing, and building of infrastructure for fisheries landing, conservation, processing, and marketing (Chapter 5.1.3.1), as well as strengthening surveillance and control of fisheries (Chapter 5.1.3.4) and promoting the development of semi-industrial fishing (Chapter 5.1.3.6). The plan sets up a process of monitoring and evaluation of its implementation, establishing for this purpose an institutional mechanism that includes an inter-ministerial Committee and local follow-up Committees (Chapter 8.1), and adopting a monitoring checklist, with provision for annual reports and a final evaluation report (Chapter 8.2).

The *Estratégia Nacional e Plano de Ação para a Biodiversidade 2015–2020* [National Biodiversity Strategy and Action Plan 2015–2020] has the following vision: Until 2020, Sao Tome and Principe should strengthen institutional and human capacities in order to promote diversified economic development that contributes directly and indirectly to the conservation of biodiversity, thus combining the socio-economic development of communities with the preservation and conservation of biodiversity in a sustainable way (Page 56). To support this vision, the strategy specifies actions corresponding to the three fundamental objectives of the Convention on Biological Diversity and presents five strategic areas of which the following are relevant to the EAF: conservation of marine and coastal ecosystems, conservation of the inland waters ecosystems and strengthening the institutional, legal, and socio-economic framework, that will intervene as a crosscutting issue in all areas (Page 57). Specific objectives are presented for each strategic area, including: strengthening the studies and projects to understand and learn more about marine ecosystems and their biodiversity, raising awareness among people living in coastal areas, implementing protected marine areas, and creating a national and regional marine park as well as the preparation of the management plan for the marshy areas (Pages 58–59). A total of 28 projects are presented for the strategic areas with estimated costs, priority, responsible entities, national and international partners (Pages 64–89), as well as the overall budget for each strategic area (Page 90). The Strategy also presents a mechanism for its evaluation and monitoring which includes the creation of a National Coordination Office whose composition and mandate is defined therein (Pages 90–93).

The *Programa Nacional de Segurança Alimentar e Nutricional (PNSAN) 2013–2023* [2013–2023 National Programme for Food and Nutrition Security (PNSAN)] aims, overall, to contribute sustainably to the fight against food and nutrition insecurity and to improve the quality of life of the population (Chapter IV.2). Formulated on a participatory basis, and with the involvement of the various stakeholders, the PNSAN establishes a framework of coherence and integration of the actions to be carried out by the different ministries, with a view to fully achieving the four dimensions of food security: physical availability of food, its economic and physical accessibility, use and food safety (Chapter IV.3). Anchored in four priority axes, which include improving the nutritional and health status of the population and institutional strengthening (Chapter IV.4), PNSAN identifies beneficiaries that include vulnerable households without economic activities or sources of income and dependent on social and community services or solidarity and small producers, in particular women (Chapter IV.5). The strategic intervention areas and sub-programmes of the PNSAN include the sustainable intensification of fish production, and its components cover the organisation of stakeholders in the development of the artisanal fisheries and semi-industrial aquaculture sectors, the availability and accessibility of fisheries production factors and the development of aquaculture (sub-programme 1) and the improvement of storage and conservation conditions for fish products (sub-programme 2).

The *Estratégia Participativa para a Água e Saneamento de São Tomé e Príncipe para 2030* [Participatory Strategy for Water and Sanitation of Sao Tome and Principe for 2030], adopted in 2012, envisions that by 2030, the population of Sao Tome and Principe will have access to adequate drinking water and sanitation and will benefit from a well-managed integrated system of resources that ensures the country's health and sustainable development. The fisheries sector is primarily characterized by subsistence fishing using artisanal methods, accounting for 90% of the volume caught (Chapter 2.1.2). The strategy includes several relevant elements for the EAF, including integrated resource management (Chapter 2.2.2) and education, capacity building and awareness raising (Chapter 2.2.4) setting objectives and targets for the improvement of the sector (Chapter 3) and monitoring mechanisms (Chapter 5).

2.2.2 Fisheries primary legislation

The fisheries primary legislation assessed corresponds to B1 in Appendix A, and it covers **31** of the 82 EAF legal requirements.

The *Fisheries and Aquaculture Law of 2022* (hereinafter referred to as the “Law”) defines the legal framework for the fisheries sector, the principles and general rules for the conservation, exploitation, and management of fisheries resources in the aquatic environment under the sovereignty and jurisdiction of Sao Tome and Principe, including activities complementary to fisheries and aquaculture (Article 1). The Law defines the concept of EAF (Article 3) and subjects the exploitation and management of fisheries resources to the principles of EAF, precaution, intergenerational equity and responsibility and sustainable management (Article 7), also promoting bilateral and multilateral cooperation in the management of shared resources and ecosystems and the definition of protected areas, especially on the high seas (Article 18). The Law provides for the creation of marine protected areas (MPA) with the following typology: fisheries protected areas, aimed at favouring the protection and regeneration of living marine resources and which include fisheries reserves, marine conditioning areas, and marine restocking areas; and environmental, landscape and marine natural resources protection areas and which include marine reserves, marine national parks, marine natural monuments and community voluntary protection areas (Article 15).

The government department responsible for the fisheries sector is the competent authority to ensure the implementation of the fisheries and aquaculture policy, the exclusive management of fisheries resources, and the monitoring, control, and surveillance (MCS) of fishing activities (Article 21), and interinstitutional collaboration is provided for in the licensing or authorisation of activities likely to affect the balance of ecosystems or the sustainability of resources (Article 22).

All vessels intended for industrial and semi-industrial fishing in national maritime waters are subject to licensing, under the terms to be regulated (Articles 29–38) and from which recreational fishing, artisanal fishing and subsistence fishing are exempt (Article 30). The Law determines, in general terms, restrictions on access to fisheries resources to be regulated by order of the Minister responsible for the fisheries sector (Article 47). A Fisheries Development Fund is created, and its resources and the destination of its revenues are identified, which include the financing of training and scientific research programmes and the community development of the artisanal and semi-industrial fisheries sector (Articles 70–71).

In terms of MCS, the Law provides for, *inter alia*, the presence of observers on board industrial and semi-industrial fishing vessels (Article 39) and establishes the powers of enforcement officers (Articles 87–91) determining that obstruction of their work in the performance of their duties or the use of violence against their physical integrity constitutes a very serious fishing offence (Article 137[e]). The competent fisheries management authority is required to keep a register of offenders and offences that have not been sanctioned for the purposes of consultation and information of the public and interested persons under the terms to be regulated (Article 147). An administrative offense scheme resulting from fishing offenses is established (Articles 107–121) from which judicial redress is possible (Articles 122–126). The offences are classified as very serious, serious, and minor and the respective sanctioning regime is defined (Articles 135–141).

2.2.3 Fisheries secondary legislation

The ten secondary fisheries legislation instruments analysed correspond to C1 to C10. These instruments incorporate **16** of the 82 EAF legal requirements.

The Decree-Law No. 11–2022, which approves the New Organic of the XVII Constitutional Government, assigns competence in fisheries matters to the Ministry of Agriculture, Fisheries and Rural Development, which, with the publication of the Presidential Decree No. 28–2022, which approves the structure of the XVIII Constitutional Government, is now called the Ministry of Agriculture, Rural Development and Fisheries.

The main secondary fisheries legislation is the *General Regulation on the Exercise of Fishing Activities and Fisheries Resources of 2012* (hereinafter referred to as “Fisheries Regulation”), which regulates the Law on Fisheries and Fisheries Resources, approved by Law No 9/2001 of 31 December and repealed by the new Law on Fisheries and Aquaculture briefly assessed in section 2.2.2, and which remains in force until the approval of the new general regulation.

The Fisheries Regulation defines the various types of fishing: subsistence, commercial, recreational, and scientific research (Articles 3–9), determining whether they are subject to a licence or authorisation, except for subsistence fishing (Article 10), the procedures for obtaining a licence and the fees and criteria for determining them (Articles 11–15 and 19, Annex I and II). The Fisheries Regulation reserves 12 miles from the coast for artisanal fishing (Article 18) and establishes the general conditions for industrial fishing licences, including the obligation to report catches (Article 22), special requirements for vessels owned by foreigners and based in Sao Tome and Principe, including VMS (Article 23), as well as catch limitations (Article 28) and prohibitions (Article 34).

The *Regulation Prohibiting the Capture, Marketing, Export, Import and Re-export of some Marine Species, as well as the Protection of other Marine Species of 2020* applies to national or foreign natural and legal persons operating in the national territory, inland and archipelagic waters and in the territorial sea, as well as in the Contiguous Zones, adjacent to the territorial sea and Exclusive Economic Zone (EEZ) (Article 2). The Regulation prohibits the marketing, transport, processing or transformation, export, import and re-export of corals, ornamental species, sea cucumbers and seahorses (Article 3), temporarily suspends the export, re-export and import of shark fins of any species and the catching and marketing of lobster of any species (Article 4) and sets limits on the export of octopus and crab (Article 5).

The *2018 Scheme of Administrative Offences in the Areas of Maritime Jurisdiction* establishes the scheme of administrative offences to be applied in cases of offences occurring in the areas under the jurisdiction of the national maritime authority (Article 1), defines the concept of administrative offence (Article 2) and lists the type of administrative offences, which include the adulteration of the name, markings and identification characters of vessels, and the respective sanctioning scheme (Article 4).

The *Joint Order No. 01/GMP/2016* bans the practice of any fishing activities, whether subsistence, artisanal or semi-industrial, with purse seine or shore trawl within the bays, around the islets within a perimeter of 0.8 nautical miles or equivalent to 1 500 metres from the baseline (Article 1) and establishes several prohibitions (Article 2).

The *Decree-Law No. 8–2014 on the Capture and Marketing of Sea Turtles and their Products* defines the turtle and its derivatives, which include the carapace, eggs and skin (Article 2), identifies vulnerable, endangered and critically endangered species (Article 4) and lists prohibited activities that include capture, transport, marketing and import (Article 5), except for scientific research purposes (Article 6). The *Regional Legislative Decree No. 3–2009 on the Protection and Conservation of Sea Turtles* prohibits the capture and marketing of any species of sea turtle and its derivatives throughout the regional territory of Príncipe (Article 2) and the export of live or dead turtles or derived products, except for scientific research purposes (Article 3). It also provides for the creation of a special regional fund for the protection of sea turtles (Article 4) and the obligation of all citizens to protect sea turtles while respecting their habitat (Article 7).

The *2009 General Regulation for the Registration and Safety of Vessels* establishes the primary technical regulations necessary for the safety of vessels, their registration and certification (Article 1), applying to all vessels (Article 2) that are subject to registration to carry out their activity (Article 34). It defines fishing vessels (Article 3), which it classifies in terms of the navigation area in local, coastal, and deep-sea vessels (Article 11) and in terms of the gear used to catch fish in vessels with lines, gillnets, creels or similar devices, purse seine, trawls, and mixed gears (Article 15). The Regulation gives the Minister responsible for fisheries the power to determine, by order, the fishing areas, the conditions, the characteristics of the species the capture of which is allowed, the places of landing and the closed seasons (Article 16). The regulation determines the registration procedure with IMAP-STP (Articles 35–75) and the rules on the marking of vessels (Articles 76–86). The *Order No. 10-2017* determines that vessels engaged in related fishing activities shall be charged the amount of EUR 20 for each gross tonnage of the vessel to obtain authorisation to operate in Sao Tome and Principe's waters (Article 1).

2.2.4 Other sectors' primary legislation

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

The *2018 Water Resources Framework Law* aims *inter alia* to protect marine waters, including territorial waters, to ensure compliance with the objectives of relevant international agreements, including those aimed at preventing and eliminating pollution in the marine environment, and to implement and ensure measures for the prevention and defence against environmental damage (Article 1). The law provides for several principles relevant to the EAF,

namely those of integrated management of waters and aquatic ecosystems, cooperation, integration and sustainability (Article 4) and creates the National Water Management System, which comprises all public and private entities that are responsible for its implementation (Article 8), which includes the National Water Council and the River Basin Committees (Article 10) whose composition and attributions it defines (Articles 10–12). The Law establishes the objectives of the National Policy on Water (Articles 13–14) and defines the policy instruments which include the Participatory Strategy for Water and Sanitation, the Gender Strategy for the water sector and the National Environmental Education Plan (Article 18). In order to provide financial support to the National Policy on Water and the actions provided for in the National Water Plan, the National Water Fund is created, whose revenues are intended, *inter alia*, for communication, mobilisation, participation and social control for the sustainable use of water resources, information, education and communication programmes for the sustainable use of water, institutional support, capacity building and training (Articles 45–49).

The *2007 Basic Law on Maritime Safety and Prevention of Marine Pollution* aims, among others, to prevent pollution of maritime waters under national jurisdiction (Article 1). The National Maritime Safety System is created, an institutional framework consisting of entities that, with coordinating, executive or advisory functions, exercise State authority in the field of maritime safety and prevention of marine pollution (Article 4), which has the following objectives: preservation and protection of the maritime environment and its natural resources; prevention and fighting against marine pollution; supervision of activities for the economic exploitation of living and non-living resources (Article 5). The structure of the National Maritime Safety System includes the National Committee of the International Maritime Organisation (CNOMI) (Article 8), which is composed of entities representing the environment and natural resources and fisheries sectors (Article 20) and whose operation will be determined by joint order of the Ministers responsible for Transport, Defence, Foreign Affairs and Cooperation sectors (Article 21).

The *1999 Environmental Law*, contains provisions anchored in the constitutional principle of the harmonious balance of nature and the environment and the right to an environment for human life, enshrined in Articles 10 and 49 of the 1975 Constitution of Sao Tome and Principe, revised in 2003, establishes the right to the environment (Article 2) and to development (Article 3) and contains a number of principles relevant to the EAF, including prevention and precaution (Article 4), respect for the carrying capacity of ecosystems (Article 5), participation (Article 7), access to information (Article 8) and restoration (Article 11). The environmental components include water (Article 27) whose rational use must be ensured covering the following categories of inland maritime, territorial and EEZ waters (Article 29). Environmental policy instruments and mechanisms include the fisheries resources management plan and the protected areas management plan (Article 43). The Law provides for the prior assessment of the environmental impact of plans, projects, works and actions that may affect the environment, the territory and the quality of life of the populations, which must be accompanied by an environmental impact assessment (EIA), whose conditions, content and responsible entities will be subject to regulation, being the approval of the EIA an essential condition for the licensing of works and actions (Article 45). The National Commission for the Environment (CNA) is created (Article 48), and its attributions and composition are defined (Articles 49–51), and the National Technical Commission, which is responsible for ensuring the representation, support and collaboration of all sectors represented therein and coordinate the respective interventions within the scope of the national environmental policy for

sustainable development (Article 52). The law also creates the Environment Fund, the management of which is defined by a separate diploma (Article 53) and establishes the rights and duties of citizens and Non-Governmental Organisations (NGOs) (Articles 54–56) and defines ecological offences which include pollution and damage to coastal areas and marine resources (Articles 60 and 62).

The *2012 Penal Code*, republished in 2021, punishes, as crimes of common danger, the crime of damage to nature and illegal extraction of aggregates and the crime of pollution (Articles 334–335). The amounts of the fine are fixed by the court according to the economic and financial situation of the convicted person and his/her personal expenses (Article 48(2)). In cases where there has been a prison sentence and a fine, the court fixes the prison sentence as an alternative in the sentence for the corresponding time reduced to two thirds (Article 48[3–4]).

The *2009 Framework Law on Petroleum Operations* establishes the rules for access, execution and conduct of Petroleum Operations throughout the territory of Sao Tome and Principe (Article 3) and is subject to relevant treaties to provisional adjustments under Article 83(3) of the United Nations Convention on the Law of the Sea, to which the country is a party (Article 2[2]).

The principle of restoring and compensation is enshrined, obliging the unauthorised person to clean up pollution resulting from unauthorised petroleum operations or to reimburse the State for the costs of such clean-up (Article 16). Authorised persons and their associates are subject to the obligation to compensate any damage that petroleum operations may cause to persons, property, or the environment and to pay a compensation corresponding to the value of the damage caused (Article 77). The law also subjects authorised persons and their associates to the precautionary principle, obliging them to take the necessary measures for environmental protection, with a view to ensuring its preservation, in particular regarding health, water, soil and subsoil, air, preservation of biodiversity, flora and fauna, ecosystems, landscape, atmosphere, and cultural, archaeological, and aesthetic values (Article 63).

All petroleum operations are subject to an EIA which must include, among other elements, an assessment of the direct and indirect effects of the proposed petroleum operations on the ecological balance of the authorised area and any neighbouring areas, on the style and quality of life of the populations and the environment in general, under terms to be regulated (Article 64).

The *1999 Law on Fauna and Flora Conservation and Protected Areas* aims at the conservation of ecosystems, fauna and flora existing in them, with a view to safeguarding biological diversity as a national and human heritage, as well as promoting its durable social and economic use, through the establishment of lists of species to be conserved and the classification of areas of the national territory dedicated to the conservation of their habitats and biological diversity (Article 2). The law defines endangered species and sets up a provisional system for their classification (Articles 4–5) establishing several relevant principles for EAF such as precaution (Article 6) and the protection of protected species (Article 8).

The Fauna, Flora and Protected Areas Conservation Council (CONFFAP) is created (Article 11) whose tasks include proposing policies for the conservation and management of protected areas, coordinating the management of all protected areas and ensuring international

coordination and representation in matters relating to protected areas (Article 13). CONFFAP is responsible for the management of protected areas (Article 15), the types of which the law defines (Articles 16–21), as well as the procedure for their classification and declassification (Articles 22–24) and is required to submit an annual report on its activity (Article 14). CONFFAP coordinates the management bodies of the natural parks (Article 26), whose directors are assisted by a management council, a collegial body of an advisory nature, composed of technicians and people involved in the activities of the areas, resident communities, or those who use the area for the cultivation or exploitation of the resources therein and which include NGOs (Article 29) whose functions include examining and approving by deliberation the management plan and creating mechanisms for the conservation and durable exploitation of the respective areas (Article 30). All parks must have a management plan and respective zoning, to be approved by Decree, and reviewed every five years (Article 32).

The *2020 Law approving Measures to Reduce the Use of Plastic Bags in Sao Tome and Principe* prohibits the production, import, marketing and distribution of non-biodegradable plastic bags in the national territory (Article 1), as a way to combat their growth in housing and agricultural areas, on beaches and in waterways, which constitutes a real threat to the environment, biodiversity and public health. To this end, it adopts market measures (Articles 7–11) and promotes awareness-raising actions (Articles 12–14).

2.2.5 Other sectors' secondary legislation

The other sectors' secondary legislation corresponds to E1 to E11 in Appendix A.

The *Decree-Law No. 03–2018* approves the Maritime Authority System – SAM, an institutional framework formed by entities, bodies, or services at central, regional, or local level which, with coordinating, executive, advisory or police functions, exercise maritime authority powers (Article 2). The duties of the SAM include the preservation and protection of the marine environment, the prevention and control of pollution and the supervision of activities in the marine environment (Article 6).

The *Decree-Law No. 04–2018* approves the Creation of the National Maritime Authority (AMN), defining its structure, organisation, functioning and competences and those of its bodies and services (Article 1). The AMN is responsible for coordinating the activities, of national scope, to be carried out by the Coast Guard and the Port Authority in the areas of national jurisdiction and within the framework of attributions defined in the SAM (Article 2), the structure of which comprises the Coast Guard and the Advisory Council (CCAMN) (Article 3) which includes representatives of several ministries (Article 4).

The *Decree-Law No. 01–2016* approves the Hunting Regulation, aiming to establish the legal framework for conservation and exploitation of hunting resources with the objective of preserving the hunting heritage and promoting sustainable exploitation compatible with population levels and the balance of ecosystems (Article 3). The Regulation determines *inter alia* the licensing regime (Articles 9–13) and prohibits hunting in natural parks and protected areas (Article 18) and constitutes hunting reserves subject to the opinion of CONFFAP (Article 19). The *Decree-Law No. 13–2003* approves the Legal Framework for the Conservation and Exploitation of Hunting Resources, considering as protected species those defined in the Law on Fauna and Flora Conservation and Protected Areas, briefly analysed in section 2.2.4, (Article 7) attributing competences to CONFFAP, namely in the determination of hunting

protection reserves, which have a management plan (Article 18) and in the projection of the national hunting policy, in line with the national environment plan (Article 25).

The *Order No. 11–2012* creates the National Commission for Monitoring and Evaluation of the Activities for Updating the Strategy and National Action Plan for the Protection of Biodiversity, which is responsible for organising awareness-raising activities and supervising the process of collecting and processing biodiversity data (Article 2).

The *Decree-Law No. 4–2010 on the Code of Vessels' and Harbours' protection* establishes legal measures and competent authorities for the implementation of the International Code of Vessels' and Harbours' protection in the country (Article 1) and creates the Committee to guarantee the protection of transport carried out in maritime and harbours areas, which includes representatives of various institutions (Articles 5–8). The diploma requires vessels to provide information before entering a national port (Article 13), establishing levels of protection for maritime transport and ports (Article 16).

The *Decree No. 09–2008* establishes the framework for the creation, implementation, monitoring and evaluation of the national poverty reduction strategy, creating the observatory for poverty reduction (Article 2) and defining the members of the Multisectoral Technical Committee which includes experts or technicians from the Observatory and other institutions (Article 4).

The *Decree-Law No. 32–2007* creates the Maritime and Port Institute of Sao Tome and Principe (IMAP-STP), defining its nature, attributions, structure, and internal organisation (Articles 4, 6 and 7).

The *Decree No. 37–1999* approves the Environmental Impact Assessment Regulation applying to all activities that by their nature, size or location are likely to cause significant impacts on the environment (Article 1). The Decree details the procedures, which include public consultation (Article 7) and the environmental licensing scheme (Articles 13–14). Fishing exploitation and industrial fish processing projects are subject to an EIA (Annex I).

2.2.6 Relevant additional information

The focal points designated to assist in the process of political and legal technical assistance to the country, and co-authors of this report, provided complementary political and legal instruments relevant to the EAF which have been duly incorporated and analysed, with their support, in this report. The following information was also obtained with the support of the co-authors:

The fisheries sector interacts particularly with the following institutions: IMAP-STP; Port Authority; Coast Guard; Directorate General of Environment and Climate Action; Animal Husbandry Directorate (in cases of obtaining an animal health certificate); Blue Economy Sector of the Ministry of Finance, Empresa Nacional de Administração de Portos (ENAPORT) [National Port Administration Company], and several NGOs.

Inter-institutional coordination is ensured by agreements that promote collaboration between institutions, namely when DPA is unable to act in some areas due to lack of material and technical means, these functions are ensured by other institutions.

The artificial reef placement project was implemented by the NGO MARAPA in line with 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 Sao Tome and Principe 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, **52** EAF legal requirements were found in Sao Tome and Principe'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 the EAF. Based on the present preliminary assessment, **30** EAF legal requirements remain to be incorporated in the policy and legal frameworks of Sao Tome and Principe.

The policy and legal instruments assessed do not provide for some key concepts of the EAF, corresponding to Component 1 of the EAF, such as maintaining ecological relationships among harvested, dependent, and associated species, promoting adaptive management measures, including their regular monitoring and review, reducing, and managing conflict between users and stakeholders over fisheries resources and ecosystems, and promoting the right of access to education and awareness raising on EAF.

Another gap identified concerns the establishment of mechanisms to manage fisheries-related conflicts, and periodic reviews of these processes, which indicates a gap with respect to Component 7 of the EAF.

The policy and legal instruments assessed also do not provide for a reasonable and sufficient timeframe for stakeholders to comment on proposed management decisions or actions, which is relevant for Component 6 of the EAF.

Only one EAF legal requirement was found in relation to fisheries control, including TACs, which is an essential requirement of Component 9 of the EAF, and there are also gaps in relation to control of fishing effort, spatial and temporal controls.

Component 10 of the EAF was also not found largely due to lack of legal requirements related to FMPs.

Regarding MCSE, which is of particular relevance to the fisheries sector, the legal requirements regarding on-board observers, record keeping of all fishing vessels operating in the maritime waters of Sao Tome and Principe, VMS specifications, among others covering Component 11 of the EAF, were not found.

Regarding Component 13, the requirement to consider the findings of the EAF research in the adoption of conservation and management measures was not met. It is also necessary to

improve the mechanisms for establishing protected areas to ensure compliance with Component 14. Another gap identified relates to the promotion of energy efficiency in fishing vessels, controls on ghost fishing, and authorization prior to the planned introduction of any species, covered under Component 15.

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

In determining the level of alignment of the assessed policy and legal instruments with 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 Sao Tome and Principe, assessed in this Report, incorporate **52** out of the 82 EAF legal requirements, therefore indicating a **medium** level of alignment with the EAF.

3.3 Final considerations and proposed way forward

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

The incorporation in the national policy and legal frameworks of all the EAF relevant provisions from international legally binding instruments to which Sao Tome and Principe 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.

The gaps identified in the assessed policy and legal frameworks of Sao Tome and Principe 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: “principles and objectives” (in particular the promotion of adaptive management measures, the reduction and management of conflicts associated with fisheries resources and ecosystems between users and other stakeholders, and the promotion of the right of access

to education and awareness-raising on EAF), “institutional arrangements” (in particular conflict management), “fisheries management” (in particular TACs and FMPs), “conservation measures” (specifically ghost fishing measures and regulation on the introduction of species) and “MCSE” (particularly the observer scheme, vessel registration and VMS).

The review of policy and legal instruments regarding "fisheries management" and "MCSE" could be led by the fisheries sector, while other matters such as "principles and objectives", "institutional arrangements" and "conservation measures" need a more active involvement of other sectors in the review of their relevant cross-cutting provisions.

It is recommended that the gaps identified in this preliminary assessment be incorporated into the amendment or adoption of new legal and policy instruments of Sao Tome and Principe. The future adoption of a new general regulation of the new Fisheries and Aquaculture Law and the adoption of specific regulations foreseen therein may be the appropriate instruments to incorporate the remaining EAF legal requirements that are of relevance to fisheries.

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.

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

Identification	Instruments SAO TOME AND PRINCIPE
A	Fisheries Policy
A1	2023–2026 Programa do XVIII Governo Constitucional para a legislatura
A2	2022 Grandes Opções do Plano para o ano económico 2022
A3	2021 Estratégia de Transição para a Economia Azul de São Tomé e Príncipe
A4	2018 Política Nacional do Saneamento Ambiental, aprovada pelo Decreto n.º 27
A5	2018 Estratégia de Segurança Marítima, aprovada pelo Decreto Lei n.º 02
A6	2018 Plano Estratégico e de Marketing para o Turismo em São Tomé e Príncipe
A7	2017-2021 Plano Nacional de Desenvolvimento
A8	2015-2020 Estratégia Nacional e Plano de Ação para a Biodiversidade (NBSAP II)
A9	2013-2023 Programa Nacional de Segurança Alimentar e Nutricional (PNSAN)
A10	2012 Estratégia Participativa para a Água e Saneamento de STP para 2030, aprovada pelo Despacho n.º 12
B	Fisheries Primary Legislation
B1	Lei n.º 9-2022 aprova a Lei das Pescas e da Aquacultura
C	Fisheries Secondary Legislation
C1	Decreto Presidencial n.º 28-2022 aprova estrutura do XVIII Governo Constitucional, designando o Ministro da Agricultura, Desenvolvimento Rural e Pescas (MADRP)
C2	Decreto-Lei n.º 11-2022 aprova a Nova Orgânica do XVII Governo Constitucional, incluindo do Ministério de Agricultura, Pescas e Desenvolvimento Rural (MAPDR)
C3	Decreto n.º 19-2020 aprova o Regulamento que Proíbe a Captura, Comercialização, Exportação, Importação e Reexportação de algumas Espécies Marinhas, bem como da Proteção de outras Espécies também Marinhas
C4	Decreto-Lei n.º 5-2018 aprova o Regime das Contraordenações nas Áreas de Jurisdição Marítima
C5	Despacho n.º 10-2017 aprova o valor da taxa a cobrar às embarcações de atividades conexas de pesca
C6	Despacho Conjunto n.º 01/GMP/2016 veda a prática de algumas atividades de pesca
C7	Decreto-Lei n.º 8-2014 sobre a Captura e Comercialização das Tartarugas Marinhas e seus Produtos
C8	Decreto n.º 28-2012 aprova o Regulamento Geral sobre o Exercício das Atividades Pesqueiras e dos Recursos Haliêuticos
C9	Decreto-Legislativo Regional n.º 3-2009 sobre a Proteção e a Conservação das Tartarugas Marinhas
D	Other Sectors' Primary Legislation
D1	Lei n.º 8-2020 sobre Medidas para a Redução do Uso de Sacos de Plástico em São Tomé e Príncipe
D2	Lei n.º 07-2018 aprova a Lei-Quadro dos Recursos Hídricos
D3	Código Penal de 2012, republicado em 2021

Identification	Instruments SAO TOME AND PRINCIPE
D4	Lei n.º 16-2009 aprova a Lei-Quadro das Operações petrolíferas
D5	Lei n.º 13-2007 aprova a Lei de Bases de Segurança Marítima e de Prevenção contra a Poluição do Mar
D6	Lei n.º 11-1999 de Conservação da Fauna, Flora e das Áreas Protegidas
D7	Lei n.º 10-1999 aprova a Lei de Bases do Ambiente
D8	Lei n.º 1-1998 aprova a Lei do Mar territorial e zona económica exclusiva
E	Other Sectors' Secondary Legislation
E1	Decreto-Lei n.º 03-2018 aprova o Sistema de Autoridade Marítima
E2	Decreto-Lei n.º 04-2018 aprova a Criação da Autoridade Marítima Nacional
E3	Decreto-Lei n.º 01-2016 aprova o Regulamento sobre a Caça
E4	Despacho n.º 11-2012 cria a Comissão Nacional de Seguimento e Avaliação das Atividades para Atualização da Estratégia e Plano de Ação Nacional para a Proteção da Biodiversidade
E5	Decreto-Lei n.º 4-2010, sobre a Organização da Proteção do Transporte Marítimo e dos Portos
E6	Decreto-Lei n.º 30-2009 aprova o Regulamento Geral para o Registo e Segurança das Embarcações
E7	Decreto n.º 09-2008 estabelece a estrutura para a criação, implementação, seguimento e avaliação da estratégia nacional de redução da pobreza
E8	Decreto-Lei n.º 32-2007 cria o Instituto Marítimo-Portuário de São Tomé e Príncipe
E9	Decreto-Lei n.º 13-2003 aprova o Regime Jurídico da Conservação e Exploração dos Recursos Cingéticos
E10	Decreto n.º 37-1999 aprova o Regulamento sobre o Processo de Avaliação do Impacto Ambiental

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		Fisheries 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	✓	✓	✓	✓	(B1) Articles 2 and 43 (C3) Articles 1 and 2 (C4) Article 1 (C7) Article 3 (C8) Article 1 (C9) Article 1 (D1) Article 2 (D2) Articles 1 and 2 (D4) Article 3 (D6) Article 1 (D7) Article 1 (E3) Article 3 (E6) 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 2430 (B1) Articles 3 and 7(c)(e) (D2) Articles 4(n) and 24(2) (D6) Article 6 (D7) Article 4	

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		Fisheries 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									
	3.	– Broaden stakeholder participation with integration of lower-level authorities and bodies.	✓	X	X*	✓	X	(A8) Page 68 (A10) Figures 2,3 and 4 (D2) Articles 10, 18, 23 and 49 (D7) Article 7	
	4.	– Ensure the right of access to fair and transparent information.	✓	∅	X*	✓	X	(A3) Page 33 (A4) Page 2430 (A8) Pages 70 and 72 (B1) Article 19 (D2) Article 22 (D7) Article 8	The provision in (B1) promotes publicising the establishment of marine protected areas and their regimes.
	5.	– Promote institutional coordination, cooperation and integration.	✓	✓	●*	✓	✓	(A3) Page 33 to 37 (A5) Page 68 (A7) Chapter 8.1 (A10) Figures 2 and 3 (B1) Articles 22 and 24 (D2) Articles 8-12 and 16 (D5) Articles 4 and 5 (D6) Articles 11 and 12 (D7) Articles 49 and 52	The reference in (A10) applies to water resources.

Perceived level of alignment with the EAF legal requirement

✓ full	∅ partial	X none	● not assessed	N/A not applicable	* optional
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EAF components	EAF legal requirement	Fisheries policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
							(E1) Entire diploma (E2) Entire diploma	
6.	– Maintain ecological relationships among harvested, dependent and associated species.	✓	X	X*	X	X	(A3) Page 92	
7.	– Promote sustainable development and avoid overexploitation of marine living resources.	✓	✓	●*	✓	X	(A3) Pages 23 and 50 (A4) Pages 2428 and 2429 (A5) Page 92 (A7) Chapter 5.1.3 (A9) Chapters 2.3, 2.5 and 3.3 (A10) Chapter 6 (B1) Article 7 (D2) Articles 1, 3, 24 and 49 (D6) Articles 1 and 3 (D7) Article 18	The reference in (A10) applies to water resources.
8.	– Preserve marine habitat, conserve, and restore marine living resources and biodiversity.	✓	✓	∅*	✓	X	(A3) Pages 31 and 55 (A8) Chapters 2.3, 2.5 and 3.3 (B1) Articles 7 and 142 (C9) Article 7 (D4) Article 77 (D7) Article 16	The reference in (C9) establishes the duty of citizens to protect species and contribute to their conservation but it only applies to sea turtles.
9.	– Promote ecosystem well-being, including the human biotic and abiotic components.	✓	✓	●*	✓*	●*	(A3) Pages 34 and 35 (B1) Articles 7, 17 and 22 (D2) Articles 1, 3, 4 and 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	Fisheries policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
							(D6) Article 2 (D7) Article 5	
10.	– Promote adaptive management measures, including their regular monitoring and review.	X	∅	X*	X*	X*	(B1) Article 8	The reference in (B1) is generic in identifying fisheries development instruments that include the National Fisheries Development Policy.
11.	– Harmonize management measures, including those for shared resources.	X	✓	●*	●*	●*	(B1) Articles 9 and 18	
12.	– Reduce and manage conflict between users and stakeholders over fisheries resources and ecosystems.	∅	∅	∅*	∅*	X*	(A7) Chapter 5.3.1.3 (B1) Article 22 (C6) Entire diploma (D2) Articles 12(d), 30(e) and 36	The provision in (B1) aims to promote inter-institutional co-operation in maintaining the balance of ecosystems without reference to conflict management and the reference in (A7) broadly promotes the implementation of alternative dispute resolution bodies. The provisions in (C6) aim to establish boundaries between the various interests by generically prohibiting some activities and the provisions in (D2) on conflict management concern water resources.

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	Fisheries policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
13.	– Consider socio-economic contexts (e.g., employment, livelihoods, equity, poverty, gender) when designing and implementing management measures.	∅	∅	✓*	✓*	●*	(A3) Pages 51 and 55 (A7) Chapters 3, 4 and 5 (A8) 3.2.2 and 3.2.3 (B1) Articles 7(d), 30 (C8) Article 18 (D2) Articles 13, 18, 42 e 49 (D6) Article 32	References in (A3), (A7) and (A8) take into account socio-economic contexts but not in the implementation of management measures that are broadly subject to those contexts in (B1) but do not include gender or employment factors.
14.	– Promote management measures, designate the authority and outline the timeline and process for their monitoring and review.	X	✓	●*	●*	●*	(B1) Articles 7, 11, 12, 13 and Chapter IV	
15.	– Provide for the establishment of MCSE measures.	✓	✓	●*	✓*	✓*	(A6) Chapter 5.1.3.4 (A8) Page 72 (B1) Article 13 (D1) Article 16 (D2) Articles 38-40 (D6) Article 36 (D7) Article 43(s) (E1) Article 6 (E2) Article 9 (E3) Article 26 (E5) Article 24 (E9) Article 29 (E10) Article 18	Reference in (A8) is generic aiming at the establishment of a Committee and its composition, for the surveillance of fishing activities and the provisions in (E3) and (E8) apply to hunting and in (E5) to maritime transport and ports.
16.	– Promote ecosystem-based research plans/priorities, designate the authority and outline the timeline and process for their monitoring and review.	✓	✓	●*	●*	●*	(A8) Chapter 3.3. (B1) Articles 60-65	

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	Fisheries 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*	(A2) Page 91 (A3) Pages 38 and 40 (A7) Chapter 5.1.3.4 (A8) Chapter 3.2 (A10) Chapter 4 (B1) Article 19(2) (D1) Articles 6, 12-14 (D2) Articles 6, 18, and 49 (D7) Article 9	The references in (A2), (A3), (A7) and (A8) aim to promote information, awareness-raising, education, and communication campaigns in general and on fisheries in particular but without express mention of the EAF. The reference in (A10) applies to water resources. The provision in (B1) recommends that ministries responsible for fisheries and the environment promote programmes of school and scientific visits to marine protected areas. The provisions in (D1), (D2) and (D6) do not specifically target the 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	✓*	●*	(B1) Articles 15-17 (D6) Articles 32-35	
C.4 Stakeholder participation	(b) overlapped closely and are harmonized with well-established management boundaries and governance structures.	X	✓	X	X*	X*	(B1) Articles 15-17	

Perceived level of alignment with the EAF legal requirement

✓	full	∅	partial	X	none	●	not assessed	N/A	not applicable	*	optional
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EAF components	EAF legal requirement	Fisheries policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
<p>C.5 Coordination, cooperation, and integration</p> <p>C.7 Conflict management</p> <p>C.8 Integrated management of aquatic ecosystems</p>	19. – Promote states cooperation on the harmonization of management measures and plans (bilaterally, regionally and internationally).	∅	✓	X	✓*	●*	(A1) Chapter 4.12 (A5) Page 68 (A7) Chapter 5.3.9 (B1) Articles 9 and 18 (D2) Articles 4, 7, and 21 (D6) Article 13 (D7) Article 15	The references in (A1) and (A7) aim at the general consolidation of international cooperation and the preservation of national sovereignty, while (A5) focuses on cooperation regarding maritime security.
	20. – Establish transparent and accessible mechanisms, bodies (including lower-level authorities) or processes to:	X	✓	X	✓*	●*	(B1) Articles 21 and 22 (D2) Articles 1, 3, 4 and 21 (D6) Articles 11-14 (D7) Articles 49 and 50	
	(a) support well-established management boundaries and governance structures on the basis of ecosystem considerations.	X	✓	X	✓*	●*	(B1) Chapters II and IV (D2) Articles 37 and 54	
	(b) outline conservation and management measures, including FMPs, at local and national levels.	X	✓	X	✓*	●*	(B1) Articles 21, 22 and 77 (D2) Articles 4, 5, and 15	
	(c) facilitate coordination, cooperation and integration of management decisions, regulatory action, environmental policies, plans and programs.	X	✓	X	✓*	●*	(B1) Article 61 (D6) Article 22 (D7) Article 43	
	(d) monitor, assess and align the various environmental policies and plans.	X	✓	X	✓*	●*		
(e) manage conflict over fisheries, relevant resource and ecosystem, including parameters for decision-making and resolving the conflict.	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	Fisheries policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
	(f) ensure integrated management of aquatic ecosystems (e.g., integrated coastal zone) based on ecosystem delimitations.	X	∅	X	✓*	●*	(B1) Articles 7 and 17 (D2) Articles 1, 3, 4(2) and 21	The provisions in (B1) provide for government regulation of protected ecosystems.
	(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	✓*	●*	(B1) Articles 7 and 17 (D2) Articles 37 and 49	The provisions in (B1) provide for government regulation of protected ecosystems.
	(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	✓*	●*	(D2) Articles 21 and 29 (D6) Article 32	
	(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	✓*	✓*	(A7) Chapter 8.1 and Annex 3 (A8) Chapter 3.3 (B1) Articles 21 and 22 (D2) Articles 9, 11, and 12 (D5) Articles 8-23 (D6) Articles 26-30 (D7) Articles 47-52 (E1) Entire diploma (E2) Entire diploma (E4) Article 2 (E8) Articles 4, 6 and 7	
22.	– Outline mandates for the government institutions to:	✓	✓	X	∅	X	(A3) Pages 11 and 12 (A7) Chapters 8.1 and Annex 3	The provisions in (D2) and (D6) define the tasks of the bodies but do not

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		Fisheries policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
	(a) coordinate efforts, cooperate and integrate approaches, from the local to the national levels.							(B1) Articles 21 and 22 (D2) Articles 9, 11, and 12 (D7) Article 49	specify the mandates of the institutions that compose them.
	(b) coordinate, cooperate and integrate the regional and international processes and arrangements.	X	✓	X	∅	X	(A3) Page 33 (B1) Articles 9 and 18 (D2) Articles 9, 11, and 12 (D6) Article 13 (D7) Article 49	The provisions in (D2), (D5) and (D6) define the tasks of the bodies but do not specify the mandates of the institutions that compose them.	
	(c) allocate financial, human and material resources to ensure the integration of lower-level authorities		✓	✓	✓	✓	✓	(A3) Pages 39 and 55 (A7) Table 1, Annex 1 and Chapter 6 (A8) Chapter 3.5 (A9) Chapter V.2 (A10) Tables 5.1. to 5.4 (B1) Articles 70 and 71 (C10) Article 4 (D1) Article 15 (D2) Articles 45-49 (D6) Article 26(2)(3) 31 (D7) Article 53 (E9) Article 28	The references in (A7) and (A9) are generic about the implementation costs not accounting for the integration of lower-level authorities. The reference in (A10) applies to water resources and in (D1) to plastic bags.
	Stakeholder participation, coordination, cooperation and integration								

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	Fisheries policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes	
			1ary	2ary	1ary	2ary			
C.4 Stakeholder participation C.5 Coordination, cooperation and integration C.6 Integration of lower-level authorities, bodies and stakeholders C.8 Integrated management of aquatic ecosystems	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	✓	✓	(A7) Chapter 8.1 and Annex 3 (B1) Articles 22 and 23 (D2) Articles 10-12, 18, 23 and 49 (D5) Article 21 (D6) Article 12 (D7) Articles 47-52 (E1) Articles 7 and 8 (E4) Articles 2 and 3 (E6) Articles 5-8	The provision in (B1) aims at inter-institutional collaboration without reference to the involvement and integration of lower-level authorities and bodies.	
	24. – Establish and properly publicize public meetings or hearings.	X	X	X	✓	X	(D5) Article 21 (D7) Articles 50-51	The provision in (D4) refers to regulation for rules on the functioning and frequency of meetings.	
	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			
	26. – Promote international cooperation for effective integrated management of aquatic ecosystems.	X	✓	X	✓	X	(B1) Article 18 (D2) Article 7 (D5) Article 22 (D7) Article 15		
	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.,	∅	∅	✓	N/A	N/A	(A1) Chapter 4.1 (B1) Article 3	The reference in (A1) is generic aiming at the landing in the country of	

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		Fisheries policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
C.10 Fishery management plans		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.						(C3) Articles 3 and 5 (C8) Article 28	fishery discards and the provision in (B1) defines the concept of TAC but not the regulation.
C.17 Monitoring and review	28.	– Ensure authority to institute TACs and to allocate individual quotas is representative, including representatives from lower levels of government.	X	X	X*	N/A	N/A		
	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		
	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*	N/A	N/A	(B1) Article 42	The provision in (B1) requires attention to the sustainability principles in Article 7 when negotiating fisheries agreements.
	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*	N/A	N/A	(A6) Page 78	The reference in (A6) refers to recreational fishing in general as one of the country's

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	Fisheries policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes	
			1ary	2ary	1ary	2ary			
									differentiating factors for tourism.
	<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.	∅	✓	✓*	N/A	N/A	(A8) Page 72 (B1) Articles 29, 38, and 137(a) (C8) Articles 13-15, 19, and Annex II	The reference in (A8) is generic aiming at the creation of a Committee and its composition, for the licensing of fishing vessels.	
	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 21 and 33 (C5) Article 1 (C8) Articles 11, 12, 22, and Annex I	The provision in (C5) provides for the fee to be charged to related fishing vessels for obtaining authorisation to operate in São Tomean waters.	
	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).	∅	✓	✓*	N/A	N/A	(A1) Chapter 4.1 (B1) Articles 28 and 47 (C8) Article 28	The reference in (A1) is generalised to the increase of the fleet.	
	37. – Outline specific details of fishing license scheme (e.g., number of licenses to be allocated, permit conditions for each fishery).	X*	X*	∅	N/A	N/A	(C8) Article 22	The provision in (C8) determines the general conditions for industrial fishing licences.	
	38. – Empower the designated authority to establish additional regulations for licensing.	X*	✓	✓*	N/A	N/A	(B1) Article 13(1) (C8) Article 19(2)		
	39. – Empower authority to regulate effort controls and respective parameters.	X*	✓	●*	N/A	N/A	(B1) Articles 13(1), 14, and 47	The provision in (B1) is generic referring to the order of the Minister responsible for fisheries	

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	Fisheries policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes	
			1ary	2ary	1ary	2ary			
									the regulation of restrictions on access to fisheries resources.
	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	∅	✓	N/A	N/A	(B1) Article 47 (C8) Articles 31-33, and Annex V		The provision in (B1) is generic referring to the order of the Minister responsible for fisheries the regulation of restrictions on access to fisheries resources.
	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) Articles 23, 137(i)(k) (C6) Articles 1 and 2 (C8) Article 34		
	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 fish aggregating devices (FADs) or require use of bycatch reduction devices).	X	∅	✓	N/A	N/A	(B1) Articles 47 and 137(b) (C8) Articles 18 and 35		The provision in (B1) is generic referring to the order of the Minister responsible for fisheries the regulation of restrictions on access to fisheries resources.
	Spatial and temporal controls								
C.9 Controls on fishing operations c.10 Fishery management plans c.17	43. – Regulate area and time in which fishing operations may or may not take place (e.g., closed areas/seasons), closed or restricted-use areas, which prohibit or limit fishing operations (e.g., protection of artisanal fishing).	∅	∅	∅*	N/A	∅	(A3) Page 50 (B1) Article 47 (C8) Articles 18 and 21 (E6) Article 16		The reference in (A3) aims to protect the catch areas for artisanal fishing but does not regulate them and the provision in (B1) is generic referring to the order of the Minister responsible for fisheries

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		Fisheries policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
Monitoring and review									to regulate restrictions on access to fisheries resources, and in (E6) refers to the order of the Minister responsible for fisheries to determine the closed seasons. The provisions in (C8) determine the zone of up to 12 miles from the coast or base anchorage as an area reserved for artisanal fishing, in which industrial fishing is prohibited.
	44.	– Empower authority to define spatial and temporal controls and the procedure.	X	✓	●*	N/A	N/A	(B1) Articles 21 and 47	
	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*	∅	N/A	N/A	(C8) Articles 18 and 21	The provisions in (C8) determine the zone up to 12 miles from the coast or base anchorage as an area reserved for artisanal fishing, in which industrial fishing is prohibited.
	<i>Fishery management plans</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		Fisheries policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
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 an FMP, clearly outlining the roles and responsibilities.	X	X	X*	N/A	N/A		
	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	X	X*	∅	N/A	(D7) Article 43(b)	The provision in (D7) provides for the fisheries resources management plan as one of the instruments of the environment policy for sustainable development but does not define the procedures for its adoption.
	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	X*	∅	N/A	(D7) Article 43(b)	The provision in (D7) provides for the fisheries resources management plan as one of the instruments of the environment policy for sustainable development but does not define the procedures for its adoption.
	51.	– List the minimum requirements in the FMPs: (a) management objectives that take into account the EAF;	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	Fisheries policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
			(b) biological description of fishery and ecosystem in which it takes place;	X	X	X*		
(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	X	X	N/A	N/A			
(f) impact of other anthropogenic activities on the ecosystem; and	X	X	X*	N/A	N/A			
(g) a review of the relationship with other coastal or marine resource management plans.	X	X	X*	N/A	N/A			
	Conservation measures							
C.14 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	(B1) Articles 15-17 (C8) Article 36	
	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	(A3) Pages 53 and 55 (A8) Pages 52, 58, 63 and 64 (C3) Articles 3 and 4 (C6) Article 2 (C7) Entire diploma (C8) Article 34(2) (C9) Entire diploma	

Perceived level of alignment with the EAF legal requirement

✓ full	∅ partial	X none	● not assessed	N/A not applicable	* optional
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EAF components	EAF legal requirement	Fisheries policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
54.	– Ensure coordination between the various authorities involved in marine environment protection.	✓	✓	●*	✓*	X	(A3) Pages 33 to 35 (A8) Chapter 3.3 (B1) Article 15(4) 22 and 24 (D2) Articles 8-12 and 16	
55.	– Establish mechanisms and designation of authority responsible for establishing: (a) designation and protection of threatened and endangered species, ensuring cooperation among the authorities throughout the listing process, definition and qualifying factors of each designation, process for listing, including steps for consultation and the special protections associated with the designations.	✓	✓	●*	✓*	X	(A3) Pages 45 and 55 (A8) Chapters 2.4, 3.2, 3.3 and Table 3 (B1) Article 17 (D6) Articles 5-10 (D7) Articles 4-10	
	(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*	●*	✓	(A3) Page 55 (A8) Chapters 3.2, 3.3 and Table 3 (B1) Articles 15, 16 and 19 (D6) Articles 15-25 (E3) Article 18 (E10) Articles 7 and 18	The provision in (B1) refers the process of creating and managing MPAs to Government regulation.

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	Fisheries policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes	
			1ary	2ary	1ary	2ary			
				(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*
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	(A8) Chapters 3.2 and 3.3 (B1) Article 19 (D1) Articles 6, 12-14	The provision in (B1) recommends that ministries responsible for fisheries and the environment promote programmes of school and scientific visits to marine protected areas and the provision in (D1) concerns awareness-raising actions to reduce the use of plastic bags.	
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	(A3) Pages 55 and 56 (A8) Table 3 (B1) Articles 23, 24, 25 and 61 (D2) Articles 26, 37, and 49 (D4) Article 16(1)(c) (D5) Entire diploma (D7) Articles 21, 29 and 38		

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	Fisheries policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
	(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	(B1) Article 139(1)(c)	The provision in (B1) classifies the abandonment of non-biodegradable gear and aggregating devices in national maritime waters as a serious fishing offence but does not require notification to the authorities in the event of loss.
	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	(A8) Chapters 2.4.1.5 and 2.4.1.6 (B1) Article 13(2)(a)	The reference in (A8) concerns the impact of alien species on habitats and the provision in (B1) refers to a general regulation to be approved by the Government on the legal framework for the capture and marketing of alien and ornamental species.
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	(A3) Page 55 (B1) Articles 1, 3, 14, 25 and 72 (D4) Articles 17(6)(b), and 63	It should be noted that the reference to extractive activities is included in the object and definitions of (B1) but is not regulated and there is a general

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		Fisheries policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
									obligation for entities involved in hydrocarbon exploration to contribute to improving knowledge of the impact of their activity on resources.
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	✓	✓	(A8) Chapter 2.5, Table 7 (B1) Articles 61(f) and 72 (D2) Articles 4, 26, and 30 (D4) Article 64 (D6) Articles 3 and 24(b) (D7) Article 45 (E10) Entire diploma	The references in (B1) are generic to environmental impact being one of the objectives of the research programme and an obligation for the entities involved in hydrocarbon exploration. The provisions in (D2) are generic on negative environmental impacts on water resources, but do not require an EIA.
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*	∅	✓	(D4) Article 64(5) (D7) Article 45(2) (E10) Entire diploma	The provision in (D4) refers to legislation specifying the conditions and mode of implementation of the EIA required for all petroleum operations in (D6) determines that the conditions under which the EIA is carried out, its content, as well as the entities responsible for analysis of its conclusions are subject to regulation.

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		Fisheries policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
	62.	– Establish process for submission, review and decision-making on the EIS or EIA, with designation of authority responsible for receiving, reviewing and deciding upon the EIS or EIA (e.g., the minister responsible for environment), opportunity for public participation (e.g., comment periods and hearings), consultation with other relevant government institutions or localities, and determination of adequate mitigation measures.	X	X*	X*	X	✓	(E10) Entire diploma	
		Fishery monitoring and research							
C.13 EAF research	63.	– Establish research programme for furthering the knowledge and understanding of EAF.	X	✓	●*	X	X*	(B1) Articles 60-65	
	64.	– Designate authority for conducting and involving stakeholders in the research programme.	X	✓	●*	X	X*	(B1) Article 64	
	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*	(B1) Articles 17 and 61	
	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		Fisheries 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 39(1) and 137(e)	
	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 transhipped.	X	∅	X	N/A	N/A	(B1) Articles 39(2) and 152	The provision in (B1) refers to regulations governing the conditions of stay on board for fisheries observers.
	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) Article 9	The provision in (B1) determines the application in Sao Tome and Principe of the obligations arising from international and regional instruments to which the country is a Party after completion of the formal procedures for binding the country and does not expressly refer to the observer programme.
	70.	– Ensure VMS is required for vessels licensed to fish in national waters and ABNJ, detailing specific categories of fishing vessels and/or fisheries to which it applies.	X	∅	∅	N/A	N/A	(B1) Articles 3, 137(d), and 139(a) (C8) Article 23	The catch reporting system (VMS-ERS) is broadly defined in (B1) which considers a very serious fishing offence the violation of the conditions and frequency of

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		Fisheries policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
									transmission and a serious fishing offence the non-compliance with the obligation to report the data, through the reporting system, but the categories of vessels subject to VMS are not specified. The wording of (C8) appears to require VMS for foreign industrial vessels.
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	(C8) Articles 22 and 23	
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	X	X	∅	(A8) Page 72 (E6) Article 70	Reference in (A8) is generic aiming to create a Committee and its composition, for the registration of fishing vessels and in (E6) the obligation for IMAP-STP to maintain a list of all registered vessels with the characteristics and

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement	Fisheries policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
								name of the owners does not determine the vessels licensed to fish, nor their category or area of operation.
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	∅	(C8) Article 16 and Annex III (E6) Articles 35-75	The references in (E6) list the elements that must be included in the registration certificate but do not include the SAI or the VMS.
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	✓	(E6) Articles 35-75	
75.	– Detail the specifications for marking vessels and fishing gear in accordance with internationally approved standards.	X	X	∅	N/A	∅	(C4) Article 4 (C8) Article 22 and Annex VI (E6) Articles 76-86	The provision in (C4) classifies the alteration of the marking of fishing vessels as an administrative offence, but it does not determine the specifications of the marking. The provisions in (C8) and (E6) do not

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	Fisheries policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
								determine the marking of fishing gear.
	76. – Ensure cooperation and coordination between fisheries and maritime authorities throughout the registration process.	X	X	✓	X	∅	(C8) Article 16 and Annex III (E6) Article 71	
	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) Articles 87-91	
	78. – Ensure the controls placed on landing and transshipping of fish, both at sea and in port, and by national and foreign vessels, is in accordance with regional and international instruments.	X	∅	∅	N/A	∅	(B1) Articles 3, 55 and 83(c)(d) (C8) Article 30 (E6) Article 16	The provisions in (B1) do not determine the compliance of controls on landing and transshipping with regional and international instruments, in (C8) the provisions only apply to transshipment and in (E6) they refer to order of the Minister responsible for fisheries the places of landing.
	79. – Provide additional VMS specifications and specific details on the registration process.	X	X	X	N/A	N/A		
	Enforcement processes and sanctions scheme							
C.12 Offences, penalties and administrative	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	X	✓	✓	N/A	N/A	(B1) Articles 135-141 (C3) Articles 6, 7, and Annex 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		Fisheries policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
and judicial processes		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).						(C4) Article 4 (C6) Articles 3 and 5 (C7) Article 11 (C8) Article 37 (C9) Article 5	
	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	✓	✓	(B1) Articles 107-121 (D2) Article 63 (D6) Article 38 (E3) Article 32 (E9) Article 33	
	82.	– Establish judicial processes used for determining and confirming offences and applying relevant penalties to the offending parties, allowing for a right of appeal.	X	✓	X	✓	X	(B1) Articles 122-126 (D2) Article 64 (D3) Entire diploma (D7) Article 63	

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. The EFA addresses the ecological consequences of fishing activity as well as the social, economic, and institutional aspects of fisheries sustainability. Adequate legislative and regulatory frameworks are key to the successful implementation of the EAF. Continuous review and updating of information on legislative and regulatory instruments require an analysis of existing legal frameworks at all levels of governance to assess whether they remain in place, valid and aligned with the international fisheries law standards, including the EAF. This report was prepared in order to assess the level of alignment of Sao Tome and Principe's policy and legal instruments. Based on this preliminary assessment, policy makers, legal practitioners and fisheries managers can take the necessary steps to improve the implementation of the EAF in their country. Such measures may include amending existing legislation and/or enacting new legislation, as well as developing new policies with a view to fully aligning them with the EAF.

For more information:

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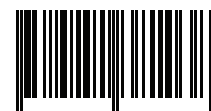
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UNIDADE-DISCIPLINA-TRABALHO

REPÚBLICA DEMOCRÁTICA DE SÃO TOMÉ E PRÍNCIPE

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