



Food and Agriculture  
Organization of the  
United Nations

# Legal report on the ecosystem approach to fisheries in Togo

An analysis of the ecosystem approach to fisheries in selected  
national policies and legislation of Togo

FAO EAF-Nansen Programme Report No. 46  
EAF-N/PR/46 (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 swimming in the water.

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 EAF-Nansen 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, which started in 2017, represents 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 fisheries management, according to the EAF principles and to further develop their human and organizational capacity to manage fisheries sustainably. In line with the EAF principles, the Programme adopts a broad scope, taking into consideration a wide range of impacts of human activities and natural processes on marine resources and ecosystems including fisheries, pollution, climate variability and change.

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By Julia N. Nakamura and Teresa Amador

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## Abstract

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

This report was elaborated following a participatory approach with the involvement of the national competent authorities of Togo. Drafted in July 2021, the report was submitted to the national authorities of Togo in October 2021. The Ministère de l'économie maritime, de la pêche et de la protection côtière (MEMPPC) [Ministry of Maritime Economy, Fisheries and Coastal Protection] endorsed this EAF Legal Report of Togo in December 2021.



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

This EAF Legal Report also benefitted from the important contributions of the Directorate of Fisheries and Aquaculture (DFA), under the MEMPPC, which provided substantive additional information valuable to this report. We are also grateful to the delegates of Togo for their participation in the *Third Online regional workshop on the use of the Diagnostic Tool on Implementing an EAF through policy and legal frameworks* (7–10 December 2021). The DFA has also conducted its own assessment, applying the EAF Legal Checklist against selected policies and legislation of Togo. The findings of this country assessment were incorporated into the present EAF Legal Report, improving the overall information reported.

## Abbreviations and acronyms

DFA	Directorate of Fisheries and Aquaculture (of Togo)
EAF	ecosystem approach to fisheries
EIA	environmental impact assessment
ESIA	environmental and social impact studies
FAO	Food and Agriculture Organization of the United Nations
FMP	fishery management plan
IMO	International Maritime Organization
IUU	illegal, unreported and unregulated (fishing)
MCSE	monitoring, control, surveillance and enforcement
MEMPPC	Ministère de l'économie maritime, de la pêche et de la protection côtière [Ministry of Maritime Economy, Fisheries and Coastal Protection]
MPA	marine protected area
NGO	non-governmental organization
NWG	National Working Group
RFMO/A	regional fisheries management organization and/or arrangement
TAC	total allowable catch
VMS	vessel monitoring system

# 1. Introduction: legislating for an 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, 2021a; FAO, 2021b; FAO, 2021c; FAO, 2021d; FAO, 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; FAO, 2021b; FAO, 2021c). This tool, which constitutes the basis for the development of the present report, provides important information about the EAF and should be read together with this report. Such relevant information includes a non-exhaustive list of international legal instruments that support 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 an 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 taken into account, on a country-by-country basis, in the assessment of a given country’s EAF commitments.

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

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

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

Table 1. Status of Togo in selected international legally binding instruments relevant to an EAF	
Instrument	Status <sup>1</sup>
1971 Ramsar Convention on Wetlands of International Importance (Ramsar Convention)	Party
1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora	Party
1979 Convention on the Conservation of Migratory Species of Wild Animals	Party
1982 United Nations Convention on the Law of the Sea	Party
1992 Convention on Biological Diversity	Party
1993 Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (Compliance Agreement)	Not a Party
1995 United Nations Agreement for the Implementation of the Provisions of the LOSC relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA)	Party
2009 Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA)	Party

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

With regard to the 1993 Compliance Agreement to which Togo is **not yet a Party**, the DFA informed that the country intends to become a Party and that the process of accession to the 1993 Compliance Agreement is ongoing. A National Working Group (NWG) for the fight against Illegal, Unreported and Unregulated (IUU) fishing has been created through the *Arrêté interministériel n° 009/19 du 14 mai 2019*, as detailed below.

<sup>1</sup> In accordance with the information provided in the secretariats of the international conventions and agreements as of May 2022.

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

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

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

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

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

#### 2.1.1 Selection and collection of national policy and legal instruments of Togo

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.<sup>2</sup>

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

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<sup>2</sup> Notwithstanding the importance of certain cross-sectoral issues such as gender and climate change, these were not considered in this report.

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

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

The selected national policy and legal instruments relevant for an 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
1 <sup>st</sup>	<b>Fisheries policy:</b> 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.
2 <sup>nd</sup>	<b>Fisheries primary legislation:</b> a fisheries act, code, law, or any other type of instrument implementing the fisheries policy as well as the general law on fisheries, forestry and wildlife providing the legal framework for fishing and fishing related activities. It is the main legal instrument on fisheries, which contains the typical outline and broadly covers the subjects described in subsection 3.1 of the EAF Legal Diagnostic Tool. It should be noted that this typical outline is without prejudice to the particular structure of the fisheries primary legislation of the assessed country.	Searching for the EAF legal requirements in each provision of the fisheries primary legislation.
3 <sup>rd</sup>	<b>Fisheries secondary legislation implementing or elaborating the fisheries primary legislation:</b> fisheries decree, regulation, order, ordinance which sets out in more detail the requirements of the fisheries primary legislation – concerning e.g. fishing vessel registration, fishing vessel requirements, vessel monitoring system (VMS), fisheries research, fisheries fund, small-scale fisheries.	Searching for the EAF legal requirements not found in the relevant parts of the fisheries policy nor in the provisions of the fisheries primary legislation.
4 <sup>th</sup>	<b>Other sector's primary legislation:</b> 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.
5 <sup>th</sup>	<b>Other sector's secondary legislation:</b> a decree, regulation, order, ordinance regulating the primary legislation of other sectors assessed under step 4.	Searching for the EAF legal requirements not found in the relevant parts of the fisheries policy nor in the provisions of any of the previously assessed legal instruments.

The DFA under the MEMPPC, conducted its own assessment, applying the EAF Legal Checklist against selected policies and legislation of Togo. The information provided and the results of the country self-assessment have been incorporated in this report.

### 2.1.3 Filling in the Ecosystem Approach to Fisheries Legal Checklist of Togo

The EAF Legal Checklist provides the EAF legal requirements structured by the 17 EAF Components, based on a step-wise methodology (FAO, 2021a, Subsection 2.2), and in accordance with the typical subjects of a fisheries primary legislation, without prejudice to the particular structure of the fisheries primary legislation of Togo (FAO, 2021a, 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. <sup>3</sup>
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 <b>primary</b> fisheries policy/legislation, or in the <b>primary</b> legislation of other sector.
N/A	Not applicable	The EAF legal requirement is exclusively relevant to fisheries (that is the case of all the EAF legal requirements under Fisheries Management, Monitoring, Control, Surveillance and Enforcement (MCSE) and almost all of those under enforcement processes and sanctions scheme) and therefore not applicable to other sector's legislation.
*	Optional	The EAF legal requirement is considered to have a non-mandatory nature and therefore is not expected to be found in the assessed policy or legal instrument.

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

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

**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 Togo Constitution of 1992, were considered particularly relevant in incorporating the EAF legal requirements. These parts and legal provisions which, without prejudice to others that may also be relevant, were considered good examples of addressing an EAF (in the case of a policy instrument) or legislating for an EAF (in the case of a legal instrument), have been highlighted in the main findings under subsection 2.2 below as good practice in legislating for an EAF.

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<sup>3</sup> A more in-depth analysis will be required to understand how EAF legal requirements filled in with the ∅ symbol could be fully incorporated in legal and policy instruments or reflect potential contradictions between one legal and/or policy instrument and another. Such analysis goes beyond the scope of this desk-based preliminary assessment.

### 2.1.5 EAF Legal Questionnaire of Togo

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

## 2.2 Overview and main findings

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

### 2.2.1 Fisheries policy

The assessed eight fisheries policies correspond to A1 to A8 in Appendix A. They cover **26** of the 82 EAF legal requirements.

The main fisheries policy is the *2011 Politique Sectorielle sur la Pêche et l'Aquaculture* [Fisheries and Aquaculture Sectorial Policy]<sup>4</sup> whose main vision and objectives are focused on the reorganization of the fisheries and aquaculture sector through the responsible and transparent participation of all actors, balance between preservation and sustainable use of fisheries resources, and good governance, for the benefit of the concerned communities and groups as well as the national economy (Page 26). The global objective of this sector policy is to propose a reorganization of the sector that is rational, transparent and responsible contributing to the millennium goals of poverty reduction, food security and gender equity with the aim of ensuring effective conservation, management and development of bio aquatic resources, with due respect to ecosystems and biodiversity (Page 26). Six operational objectives are outlined: controlling access to fisheries resources, which emphasizes, *inter alia*, the importance of licensing scheme, the registration of artisanal fishing vessels, and Monitoring, Control and Surveillance (MCS) activities (Pages 27–28); managing fishing capacity, which includes the temporary stabilization of fishing effort on artisanal fishing and small trades, as decided in consultation with stakeholders, and a feasibility study on the possibilities of restoring certain habitats (Pages 29–30); reviewing and harmonising of the fisheries and aquaculture legal framework, pursuant to the relevant international and regional instruments (Pages 31–32); reinforcing institutional and administrative capacities at central, regional and local levels, as well as their interactions and inter-ministerial collaboration (Pages 33–34); reinforcing a consultative process through, *inter alia*, adaptive co-management (Pages 35–36); and increasing international cooperation (Page 37).

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<sup>4</sup> In view of the fact that the final version of the proposed plan was validated during the national restitution and validation workshop that took place in May 2011 it has been considered an official policy of Togo in spite of the fact that no official published endorsed version has been found.



The *2018–2022 Plan National de Développement* [National Development Plan] is anchored on five general long-term objectives, which include ensuring sustainable development of the environment, fighting against climate change and sustainably managing disasters (Page 76). It aims at transforming the economy's structure through, *inter alia*, enhancing the quality of education in general and improving the management of natural resources (Page 78). Guiding principles of this Plan include national partnerships with the public sector, private sector, civil society and communities, international cooperation, sustainable development, equity, gender and inclusion (Pages 80–81). Monitoring and evaluation of the Plan also follows relevant EAF principles, such as coordination among the stakeholders involved and information-sharing (Pages 122–123).

The *2015 Plan de Gestion des Pêcheries du Système Lagunaire* [Lagoon System FMP] has the vision of collective sustainable management of the lagoon system, outlining the local communities as the main actors for its implementation and monitoring (Page 9). This FMP specifies its objective, which is to reinforce the necessary basic conditions for the sustainable development of fisheries resources of the lagoon system and the promotion of an environment favourable to business creation, improved income and job creation (Page 9); describes the characteristics of the lagoon system, topography, fishing potential, fishing gears and methods, fishing actors, post-harvesting activities and other activities carried out by fishing communities (Pages 10–13). Of most relevant for an EAF are the proposed fisheries management measures, which include establishing minimum mesh sizes for fishing gears, prohibiting those harmful to fisheries resources and ecosystems, prohibiting the use of chemical substances in the water, and establishing mechanisms for conflict resolution (Pages 13–14).

The *2013 Plan de Gestion des Pêcheries du Barrage de Nangbeto* [Nangbeto Dam Fisheries Management Plan] was elaborated through a participatory approach and its main objective is to reinforce the basic necessary conditions for the sustainable and optimal development of fisheries resources of the Nangbeto Dam (Page 8). This FMP describes the characteristics of the dam, fishing potential, fishing gears and methods, and the socioeconomic aspects of the fishery (Pages 9–11). The proposed fisheries management measures include prohibiting the use of harmful fishing gears, establishing surveillance committees and creating zones where fishing is prohibited (Page 12).

The *2013 Plan de Gestion de la Pêche de la Senne de Plage* (Beach Seine FMP) has the objective of contributing to the sustainable utilization of living resources of aquatic ecosystems in response to the current and future needs of national and local coastal communities (Page 8). This FMP delineates its scope of application, describes the fishery, technical aspects of beach seine fishing and socioeconomic aspects of the fishery (Pages 8–10). The competent Ministry is in charge of designating a coordinator to ensure the harmonious implementation of the Plan, which is to be reviewed annually with the participation of all concerned parties (Page 13). The proposed fisheries management measures include: establishing a concerted framework that favours the effective participation in fisheries monitoring and an efficient system of management of plastic waste on the beaches (Page 14).

The *2012 Programme National de Suivi de l'Environnement* [National Environmental Monitoring Programme] provides an environmental monitoring system, which aims at, *inter alia*, promoting research on environmental data and monitoring, and harmonizing the method of collecting data at national level pursuant to international standards (Page 78). It delineates the roles and responsibilities of the stakeholders in Environmental and Nature Resources Management, such as the producers organizations and private sector, which are responsible for the collection and harmonisation of environmental data; the territorial collectivities, which are in charge of, among others, the surveillance of the natural resources and environmental degradation in their territories (Pages 114–115). Several priorities are outlined, including the reinforcement of technical, material, financial and human capacities in the fields of biodiversity, fragile ecosystems, fisheries, marine and coastal issues (Pages 124–125).

The *2010–2020 Stratégie et Plan d'Action National pour la Biodiversité du Togo* [National Biodiversity Strategy and Action Plan] is guided by principles aligned with an EAF, including the sustainable use of biodiversity, consideration of ecological, economic, social and cultural values in decision-making concerning development and cooperation (Pages 70–71). It outlines five strategies to ensure the conservation and sustainable use of biodiversity for the present and future generations such as reinforcing the benefits of all biodiversity and ecosystem service, which aim to, *inter alia*, create a marine protected area for protecting and restoring fisheries resources, protecting the coastal and marine biodiversity, facilitating the recovery of ecosystems and serving as an escape for vulnerable species (Page 67).

The *2010–2025 Plan d'Actions National de Gestion Intégrée des Ressources en Eau* [National Integrated Water Resources Management Plan of Action] is framed under four priority orientations, one of which is to ensure the health, public security and conservation of ecosystems and biodiversity (Page 37). This priority is related to actions of, *inter alia*, preventing natural water risks, protecting humid zones and ensuring the durability of natural environments (Page 39). It highlights the need for combating all causes of pollution and degradation of the water quality, including fishing gears that are harmful to the aquatic ecosystems (Page 56).

### **2.2.2 Fisheries primary legislation**

The assessed fisheries primary legislation corresponds to B1 in Appendix A. It covers **29** of the 82 EAF legal requirements.

The main fisheries primary legislation is the *Loi n° 2016-026 portant réglementation de la pêche et de l'aquaculture au Togo* [Fisheries and Aquaculture Law] (hereinafter referred to as “Fisheries Law”). It clearly defines the EAF and to aquaculture, described as integrated and comprehensive management of human activities, based on the best scientific knowledge available on the ecosystem and its dynamics for identifying and acting on the pressures that are harmful to their health, thereby achieving the sustainable use of resources and ecosystem services and the maintenance of ecosystem integrity (Article 2(e)). It also clearly defines the precautionary approach (Article 2(u)) and provides for FMPs, which are elaborated by the administration in charge of fisheries and aquaculture, in collaboration with other concerned

ministries and institutions; periodically revised; and must include minimum requirements, namely the identification of main fisheries and its technical, geographic, social and economic characteristics as well as the level of optimal fishing effort and the criteria for granting fishing authorisations (Article 10). An inter-ministerial and inter-professional advisory committee is established for the coordination of activities and monitoring of the national fisheries and aquaculture policy, the composition, organization and functioning of which are to be determined by order of the Minister in charge of fisheries and aquaculture (Article 11).

The Fisheries Law clarifies that fisheries management in Togo is based on the scientific data obtained through fisheries research and data reporting (Article 13); and that the competent administration ensures the collection of all relevant data, with a view to ensure best scientific information (Article 14). International cooperation to combat IUU fishing is promoted (Article 15) as well as cooperation at sub-regional, regional and international levels on, *inter alia*, fisheries, scientific research, collection and analysis of data and of overexploitation of fisheries resources as well as management of shared stocks, and harmonisation and coordination of management and resources management systems (Article 16(a)(b)). The Ministry in charge of fisheries and aquaculture is responsible for establishing and maintaining a register of all national fishing vessels as well as of foreign fishing vessels operating in inland and marine waters under national jurisdiction, the contents of which are to be determined by order of the Minister (Articles 25–27, and a register of national fishing vessels operating in the high seas with the minimum information determined by the Fisheries Law (Article 49).

The Fisheries Law provides a general fishing licensing scheme for any national or foreign fishing vessels operating in areas under Togo's jurisdiction (Articles 29–42). The competent Ministry is empowered to include additional special conditions in a fishing permit, authorisation or licence with a view to improve the management of fisheries resources, in relation to, *inter alia*, the type, quantity and fishing gear or methods, authorised catch of species and quantities of fish as well as bycatch restrictions (Article 33). This Law also provides the general rules for fishing licensing scheme concerning any Togolese fishing vessel in waters beyond national jurisdiction (Articles 45–49). Fishing with explosives or fire guns, poisonous or toxic substances is prohibited (Article 60) as well as fishing, catching, detention and trading of all species of marine mammals, turtles and seabirds and derived products (Article 61). Requirements on the identification markings of fishing vessels (Article 62) and catch reporting by licensed industrial fishing vessels (Articles 64–66) are also outlined therein. All such vessels must be equipped by a Vessel Monitoring System (VMS) (Articles 67–73). An agreement from the fisheries and aquaculture administration is required prior to registration of any fishing vessel with the maritime administration (Article 63).

The Fisheries Law also provides general rules on observers, who are subject to specific regulations which have not yet been adopted, requiring, for instance, the captains and masters of licensed fishing vessels to ensure that observers receive the same treatment as officers on board, facilitating their work and granting them with access to all parts of the fishing vessel and to the documents on board required for the exercise of their duties (Article 76). Landing and transshipment requirements are also provided in this Law (Articles 82–90). MCS are coordinated by the competent Ministry and the powers of the

enforcement agents are defined in this Law (Article 121) which also determines the administrative measures that can be undertaken in the event that an offence to the Law has been committed (Articles 124–129). A fund for the development of fisheries and aquaculture is created with a view to ensure the promotion and sustainable development of national fishing activities (Article 131).

### **2.2.3 Fisheries secondary legislation**

The assessed six fisheries secondary legislation corresponds to C1 to C6. They cover **15** of the 82 EAF legal requirements.

The main fisheries secondary legislation is the *2010 Arrêté n° 68/10/MAEP/Cab/SG/DPA fixant les modalités d'exploitation des ressources halieutiques dans les eaux marines sou juridiction togolaise*, which defines the conditions of access to fishery resources, the authorised mesh sizes of fishing gears, the authorised species and the fishing zones in areas under Togo's jurisdiction (Article 1). The application procedure for a fishing authorization issued by the competent Ministry is detailed therein as well as the possibility for the authorization's renewal (Articles 3–7). All authorised fishing vessels and their crew must respect the applicable measures concerning marine pollution (Article 9). Such vessels must also be registered and have the identification markings, safety equipment, appropriate surveillance system and GPS communication devices (Article 10). These fisheries regulations also provide requirements for landing and transshipping (Articles 12–13); prohibit fishing, detention and trade of all protected marine mammal species, marine turtles and seabirds (Article 14); prohibit fishing with explosives or toxic substances (Article 15); and outline control measures on fishing gear and fishing capacity (Articles 16–20) as well as specific technical details on spatial control (Articles 23–25).

Another important fisheries secondary legislation is the *2007 Arrêté n° 18 MAEP/CAB/SG/DEP portant réglementation de la pêche dans les eaux continentales*, which regulates inland fishing. It requires the persons conducting inland fishing to be registered and to obtain a professional identity card issued by the competent Ministry, as well as a fishing authorisation issued by the competent director (Articles 5–8). These regulations establish specific requirements for authorised fishing gears on lakes (Article 9) and detail various prohibitions concerning the type of fishing gears and methods in inland waters (Article 11). Another relevant provision clarifies that conflicts between members of village organizations and fishing communities are settled by their offices in collaboration with the local representative of the competent Ministry (Article 19).

The *2019 Arrêté interministériel n° 009/19 portant création du groupe de travail national pour la lutte contre la pêche illicite, non déclarée et non règlementée* creates the aforementioned NWG to fight against IUU Fishing (Article 1), composed by multi-sector representatives, including from marine fisheries and the maritime, customs, livestock, forestry resources, water resources sectors (Article 2). This NWG's mandate is to research, collect and analysed data concerning IUU fishing, share information on MCSE activities and contribute to the

national, sub-regional, regional and international data platforms on IUU fishing (Article 3). This NGW meets twice a year (Article 4).

The *2015 Arrêté n° 006/MAEP/Cab/SG/DPA portant réglementation de la pêche sur le lac artificiel du barrage de Nangbéto* regulates fishing on the artificial lake of the Nagbeto dam. It requires the persons conducting such fishing to register with the competent directory, have a professional identity card, and an authorisation issued by the competent directory (Articles 4–6). It provides for several fishing gear restrictions (Articles 8–11) and imposes an annual closed season from 15 August to 15 November for the biological rest on the lake (Article 12).

The *Décret n° 97-108/PR portant organisation et attributions du Ministère de l’agriculture, de l’élevage et de la pêche* provides for the organization and attributions of the Ministry of Agriculture, Livestock and Fisheries. The directory of livestock and fisheries has the mandate of determining the technical-economic conditions for the development of fisheries and livestock, as well as monitoring their implementation, sanitary protection and veterinarian control (Article 10).

The *1983 Arrêté n° 13/MAR portant réglementation de la pêche de la langouste dans les eaux territoriales togolaises* only allows fishing mature lobsters, those with an average size measuring 30 centimetres from the outer edge of the shell to the end of the tail (Articles 2–3).

#### **2.2.4 Other sectors primary legislation**

The other sectors primary legislation corresponds to D1 to D6 in Appendix A.

In operationalizing the provision of the Constitution of Togo of 1992, as last consolidated in 2019, which ensures the right of all citizens to a healthy environment and the duty of the State to protect the environment (Article 41), the *Loi n° 2008-005 portant loi-cadre sur l’environnement* [Environment Framework-Law] (hereinafter referred to as “Environment Law”) defines the general legal framework for the management of the environment in Togo. It aims at, *inter alia*, preserving and sustainably manage the environment, ensuring for all citizens a balanced and healthy environment and establishing the fundamental principles for preserving the environment against all forms of degradation, safeguarding the natural resources and fight against all sources of pollution (Article 1). Principles of this Law relevant for an EAF include: sustainable development, right to information, precautionary principle, and participation (Article 5). The National Commission for the Sustainable Development is created, composed by representatives of public and private institutions, territorial collectivities, NGOs and other interested persons, with the responsibility of integrating environmental dimensions in development plans and strategies (Articles 12–13).

The Environment Law also provides for the National Environment Management Agency, whose functions include preparing and coordinating the implementation of national

environment development plan; and supporting the integration of the environmental dimension into policies, strategies, programmes and development projects at national and local levels (Article 15). A National Environment Fund is established therein as well to support the implementation of programmes and activities dedicated to, *inter alia*, environmental research and education, operations for environment restoration and fighting against pollution (Article 21). The State is in charge of ensuring the creation of mechanisms for public participation, representation of concerned people in environmental bodies, environment awareness-raising, training and research (Articles 25–26). Another relevant provision concerns the Environmental Impact Assessment (EIA), which is required in the authorization process of activities, projects, programmes and development plans that are susceptible of harming the environment (Article 38). An EIA is also required prior to the authorisation of any occupation, exploitation, construction and establishment susceptible of constituting a source of disturbance of any nature in the marine shore (Article 79).

There are three maritime primary legislation which contain specific provisions relevant for an EAF. The *Loi n° 2016–028 portant le Code de la Marine Marchande* [Marine Merchant Code] provides for the registration of ships and vessels, including fishing vessels, with the competent maritime authority, subject to prior authorization of the Ministry in charge of fisheries (Article 49), in accordance with the condition to be established under Decree of the Council of Ministers which shall also determine the categories of vessels not subject to registration (Article 50). The *Loi n° 2016–007 relative aux espaces maritimes sous juridiction nationale* delineates the maritime zones of Togo, providing that the State participates with neighbouring landlocked States in the exploitation of biological resources pursuant to bilateral and regional agreements (Article 6). The *Loi n° 2016-004 relative à la lutte contre la piraterie, les autres actes illicites et l'exercice par l'Etat de ses pouvoirs de police en mer* is relevant in providing for MCSE in the fight against acts of maritime piracy and other unlawful acts against the safety of maritime navigation at sea.

The *Loi n° 2010-004 portant code de l'eau* [Water Code] is based on principles relevant for an EAF, including: equity, information, participation, sustainable development, cooperation and precaution (Article 3(1)(3)–(5)(7)(8)). It prohibits any actions such as the discharge of toxic substances, sewage and industrial waste, which are likely to disturb the balance of ecosystems or affect the biodiversity of national parks, total or partial wildlife reserves, biosphere reserves and sanctuaries (Article 55). This Law provides for the missions of the State and the territorial collectivities, including: creating an institutional, legal, economic and financial environment that facilitates the integrated and participatory resources management; cooperating with other States for the management of shared water resources (Article 131). It also establishes the National Water Council, which provides advice on, *inter alia*, the national plan of action of integrated water resources management (Article 133), and which is composed by various stakeholders, including territorial collectivities (Article 134). The State, through the Ministry in charge of water, takes the necessary measures to facilitate cooperation with neighbouring States for the management of shared waters (Article 142).

The *Ordonnance n° 4 de 1968 réglementant la protection de la faune et l'exercice de la chasse* defines the wild animal species that are protected, considered rare or threatened with

extinction (Classes A and B, Annex I), those which participate in the biological balance of affected zones (Annex II) and those game species which are sought by customary hunting and small-game hunting (Annex III). It provides that the protection of fauna is ensured through, *inter alia*, the establishment of fully protected natural reserves and national parks, fauna reserves for the protection of specific species, and fully or partially protected special reserves; the adoption of technical measures that restrict the exercise of hunting, especially in juvenile and female animals, establishing for instance the prohibition of night hunting and closures; prohibition of certain modalities of hunting such as use of poisons and explosives for capturing aquatic animals, including fish (Article 5).

### **2.2.5 Other sectors secondary legislation**

The other sectors secondary legislation corresponds to E1 to E5 in Appendix A.

The *Décret n° 2017-040/PR* defines the process, methodology and content of environmental and social impact studies (ESIA), implementing the aforementioned Environmental Law. Public or private projects, that may cause an impact on the environment, are subject to an ESIA prior to being authorised by the competent authority (Articles 3 and 6) - those that may cause a major impact are subject to a more in-depth assessment (Article 11) whereas a simplified assessment is required for those with limited impact (Article 13). This Decree details the process of preparation, analysis and approval of ESIA (Article 19–45), but the minimum content of such assessment is detailed in sectorial guidelines (Articles 25 and 31). It ensures that large-scale projects or highly environmentally damaging ones are subject to public consultation (Article 41) and that the evaluation of the report takes into account all environmental considerations and concerns arising from the public consultation as to ensure the compensation or attenuation of the acceptable residual impacts (Article 43).

The *Décret n° 2014–173* establishes the Council for the Sea, under the President of the Republic, in charge of coordinating the elaboration of policies regarding the State's actions at sea, ensuring coherence among such policies and their implementation (Article 2). It also ensures adaptive management through the secretary of the sea in charge of the monitoring and control of decisions taken by the Council, who is subject to the obligation of preparing, based on a forward-looking approach, a monthly synthesis report of international maritime issues and its evolution (Articles 14 and 15).

The *Décret n° 92-71 portant création de la commission nationale de vérification et révision des limites des aires protégées* creates a national commission for the verification and review of the boundaries of protected areas (Article 1). This Commission is in charge of, *inter alia*, studying, in collaboration with the concerned technical services and the affected population, the solutions for settling existing conflicts, according to the fundamental principles of conservation of ecosystems and protection of biodiversity (Article 2). A similar commission at regional level and technical study commission are also established to support the national one (Article 4). Regional commissions are also established with a mandate to register all the disputes of the populations of concerned regions and proceed with the investigation (Article 5).

The *Arrêté n° 04/MET de 1989 portant organisation de la direction des parcs nationaux, des réserves de faune et de chasse* provides for the Directory of National Parks, Fauna and Hunting Reserves, which is the body in charge of preparing, coordinating and implementing the environment conservation and preservation policies, and safeguarding the endangered species (Article 1). Within this body, the division on protection and management of national parks and reserves and fauna reserves is responsible for the elaboration of strategies on the protection and management of national parks, fauna reserves, zoologic gardens and wild animal ranches, as well as the preparation of management projects in collaboration with the directory of studies and planning, its execution and control of activities (Article 4).

The *Décret n° 80–171 portant modalités d'application de la protection de la faune et l'exercice de la chasse* provides technical details on the hunting permit scheme, specifying the application process, including the fees, permit requirements and publication (Articles 1–10).

### **2.2.6 Additional relevant information from the National EAF-Focal Point**

The fisheries sector interacts with the following sectors: fish farming in freshwater, maritime transport, coastal environment (dwellings, market gardens), tourism (bars, restaurants), navigation (transport of passengers on rivers).

There is no inter-sectorial specific mechanism to facilitate coordination of activities, monitoring and review but there are currently two national working groups (one on Beach Seine and another for the fight against IUU fishing). There is also a national body in charge of overseeing the action of the State at sea, which brings together all the relevant institutions operating at sea.

The following activities were reported as having been implemented following an EAF: development of management plans in an inclusive and participatory manner; organization of meetings with fishers to discuss topics relevant to the sector (e.g. pollution, best fishing practices); promotion of fisheries co-management through the implementation of local fisheries management committees; participation of Togo in stocks evaluation campaigns organized by FAO and the *Union Économique et Monétaire Ouest Africa* (UEMOA); and organization of meetings to raise awareness of fishing communities about the impacts of pollution.



## 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 Togo 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, **56** EAF legal requirements were found in Togo's policy and legal frameworks assessed in this EAF Legal Report. It should be noted that the 82 EAF legal requirements are considered the minimum standards in legislating for an EAF which may be further elaborated and improved in advancing the implementation of an EAF. Based on the present preliminary assessment, **26** EAF legal requirements remain to be incorporated in the policy and legal frameworks of Togo.

The assessed policy and legal instruments did not detail the process of public consultation, which could have improved alignment with EAF Component 4. Also gaps were found on conflict management review processes, as required under EAF Component 7, and on the review of integrated management of aquatic ecosystems, which corresponds to EAF Component 8.

A major gap was noted with respect to TAC, additional catch limits and detailed requirements, including specific details of licensing scheme and stakeholder consultation to establish spatial and temporal controls, as provided under EAF Component 9. Improvements are also recommended with regard to FMPs, which do not sufficiently address the need to comply with established integrated management plans for aquatic ecosystems, as well as certain minimum requirements in the content of FMP, the participatory process of drafting the FMP, its publication and review, as provided under EAF Component 10.

In respect of MCSE, which is of particular relevance to the fisheries sector, the assessed policy and legal instruments do not provide for the alignment of the observer scheme with regional and international processes, nor provide details on the recorded information to be included in the register of fishing vessels, requirements on the registration process, and specifications on VMS, as required under EAF Component 11. The assessed policy and legal instruments also did not clarify the judicial processes used for determining and confirming offences, as required under EAF Component 12.

There is a lack of detailed process, including with stakeholder participation, on the listing of protected species and protected areas, as well as lack of coordination between the relevant authorities in charge of marine environmental protection, all of which are relevant for EAF Component 14. Regulation of activities potentially harmful to the aquatic ecosystems was

also not found nor the requirements for preventing ghost fishing, which indicate a gap related to EAF Component 15. The detailed components of EIA and/or ESIA were also not found, as required under EAF Component 16.

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

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

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

The policy and legal instruments of Togo, assessed in this Report, incorporate **56** out of the 82 EAF legal requirements, therefore indicating a **medium** level of alignment with an EAF.

**3.3 Final considerations and proposed way forward**

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

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

With respect to the assessed policy and legal instruments, some gaps have been identified which should be addressed to ensure full implementation of an EAF in the country. The following subjects could benefit from a detailed review and update in the relevant policy and legal instruments: “institutional arrangements” (especially conflict management, integrated management of aquatic ecosystems and details on public consultation), “fisheries

management” (especially TACs, spatial and temporal controls, FMPs, and integrated management of ecosystems), “conservation measures” (especially regulation of activities potentially harmful to aquatic ecosystems and ghost fishing), and “MCSE” (especially the details on observer scheme, registration process, and VMS).

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

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

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

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

Identification	Instruments of TOGO
<b>A</b>	<b>Fisheries Policies</b>
A1	2018-2022 Plan National de Développement
A2	2015 Plan de Gestion des Pêcheries du Système Lagunaire Togolais
A3	2013 Plan de Gestion des Pêcheries du Barrage de Nangbeto
A4	2013 Plan de Gestion de la Pêche de la Senne de Plage au Togo
A5	2012 Programme National de Suivi de l'Environnement au Togo
A6	2011 Politique Sectorielle sur la Pêche et l'Aquaculture, Togo
A7	2010-2020 Stratégie et Plan d'Action National pour la Biodiversité du Togo SPANB
A8	2010-2025 Plan d'Actions National de Gestion Intégrée des Ressources en Eau- Togo
<b>B</b>	<b>Fisheries Primary Legislation</b>
B1	2016 Loi n° 2016-026 du 11 octobre 2016 portant réglementation de la pêche et de l'aquaculture au Togo
<b>C</b>	<b>Fisheries Secondary Legislation</b>
C1	2019 Arrêté interministériel n° 009/19 du 14 mai 2019 portant création du groupe de travail national pour la lutte contre la pêche illicite, non déclarée et non réglementée
C2	2015 Arrêté n° 006/MAEP/Cab/SG/DPA du 28 janvier 2015 portant réglementation de la pêche sur le lac artificiel du barrage de Nangbéto
C3	2010 Arrêté n° 68/10/MAEP/Cab/SG/DPA du 04 août 2010 fixant les modalités d'exploitation des ressources halieutiques dans les eaux marines sous juridiction togolaise
C4	2007 Arrêté n° 18 MAEP/CAB/SG/DEP du 22 janvier 2007 portant réglementation de la pêche dans les eaux continentales
C5	1997 Décret n° 97-108/PR portant organisation et attributions du Ministère de l'agriculture, de l'élevage et de la pêche
C6	1983 Arrêté n° 13/MAR portant réglementation de la pêche de la langouste dans les eaux territoriales togolaises
<b>D</b>	<b>Other Sector's Primary Legislation</b>
D1	2016 Loi n° 2016-028 du 11 octobre 2016 portant le Code de la Marine Marchande
D2	2016 Loi n° 2016-007 du 30 mars 2016 relative aux espaces maritimes sous juridiction nationale
D3	2016 Loi n° 2016-004 du 11 mars 2016 relative à la lutte contre la piraterie, les autres actes illicites et l'exercice par l'Etat de ses pouvoirs de police en mer
D4	2010 Loi n° 2010-004 portant code de l'eau
D5	2008 Loi n° 2008-005 du 30 mai 2008 portant loi-cadre sur l'environnement
D6	1968 Ordonnance n° 4 du 16 janvier 1968 réglementant la protection de la faune et l'exercice de la chasse au Togo
<b>E</b>	<b>Other Sector's Secondary Legislation</b>
E1	2017 Décret n° 2017-040/PR du 23 mars 2017 fixant la procédure des études d'impact environnemental et social
E2	2014 Décret n° 2014-173 du 16 octobre 2014 portant attributions et organisation des services du conseiller pour la mer
E3	1992 Décret n° 92-71 portant création de la commission nationale de vérification et révision des limites des aires protégées
E4	1989 Arrêté n° 04/MET portant organisation de la direction des parcs nationaux, des réserves de faune et de chasse
E5	1980 Décret n° 80-171 portant modalités d'application de l'ordonnance n° 4 réglementant la protection de la faune et l'exercice de la chasse au Togo

Perceived level of alignment with the EAF legal requirement

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

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

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
	<b>Scope and definitions</b>								
General guidelines	1.	– Clearly outline the geographic and substantive scope of the application.	✓	✓	X	✓	✓	(A3) Page 9 (A4) Page 8 (B1) Articles 1, 3–4 (D1) Articles 1–3 (D3) Articles 1–2 (E1) Articles 1–2	
	<b>Principles and objectives</b>								
C.1 EAF concepts C.3 Precautionary approach C.4 Stakeholder participation C.6 Integration of lower level authorities C.7 Conflict management	2.	– Clearly define and apply the precautionary approach.	∅	✓	•*	✓	X	(A6) Pages 9–10, 29, 44 (B1) Article 2(u) (D4) Article 3(8) (D5) Article 5	References in (A6) do not clearly define the precautionary approach.
	3.	– Broaden stakeholder participation with integration of lower level authorities and bodies.	✓	✓	✓*	✓	✓	(A1) Page 81 (A2) Page 9 (A3) Page 8 (A4) Pages 14–15 (A6) Pages 26 and 33–36 (A7) Pages 70 (B1) Articles 10–11 (C2) Article 18	

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
and C.11, C.13, C.14 and C.17							(c4) Article 19 (p4) Article 3(4) (p5) Articles 5, 24–26 (E1) Article 28	
	4.	– Ensure the right of access to fair and transparent information.	∅	∅	X*	✓	X	(A6) Page 26 (B1) Articles 25–27 (p5) Article 5  Reference in (A6) is limited to promote transparency in the reorganization of the fisheries and aquaculture sector.  Provisions in (B1) concern the information available of registered fishing vessels.
	5.	– Promote institutional coordination, cooperation and integration.	✓	✓	●*	✓	✓	(A1) Pages 80 and 123 (A6) Page 33 (A7) Page 55 (B1) Article 11 (p4) Article 3(7) (p5) Article 10 (E2) Article 2
	6.	– Maintain ecological relationships among harvested, dependent and associated species.	✓	X	X*	X	X	(A4) Page 8
	7.	– Promote sustainable development and avoid overexploitation of marine living resources.	✓	X	X*	✓	X	(A1) Pages 76 and 81 (A2) Page 9

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
							(A3) Pages 8–9 (A4) Pages 14–15 (A6) Page 26 (D4) Article 3(5) (D5) Articles 1 and 5	
8.	– Preserve marine habitat, conserve and restore marine living resources and biodiversity.	✓	X	X*	✓	X	(A2) Page 15 (A4) Pages 14–15 (A6) Page 26 (A7) Page 71 (A8) Page 37 (D5) Articles 6 and 61	
9.	– Promote ecosystem well-being, including the human biotic and abiotic components.	✓	∅	X*	✓*	●*	(A4) Pages 8, 14–15 (A6) Page 26 (A8) Page 37 (B1) Article 2(e) (D4) Article 55 (D5) Articles 6, 86–88	Provision in (B1) defines the EAF.
10.	– Promote adaptive management measures, including their regular monitoring and review.	✓	X	X*	✓*	✓*	(A1) Pages 122-123 (A2) Pages 9 and 16 (A4) Page 13 (A5) Page 78 (A6) Pages 33 and 34 (D5) Articles 35-37 (E2) Articles 14–15	



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EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
11.	– Harmonize management measures, including those for shared resources.	✓	✓	●*	✓*	●*	(A6) Pages 31–32 (B1) Article 16(b) (D4) Articles 131 and 142	
12.	– Reduce and manage conflict between users and stakeholders over fisheries resources and ecosystems.	✓	X	✓*	●*	✓*	(A2) Page 14 (C2) Article 18 (C4) Article 19 (E3) Articles 2 and 10	
13.	– Consider socioeconomic contexts (e.g. employment, livelihoods, equity, poverty, gender) when designing and implementing management measures.	✓	X	X*	X*	X*	(A1) Pages 76–83 (A2) Page 9 (A4) Page 8 (A6) Page 36	
14.	– Promote management measures, designate the authority and outline the timeline and process for their monitoring and review.	✓	✓	●*	✓*	●*	(A2) Pages 15–23 (A3) Table 1 (B1) Article 10 (D5) Articles 35–37	
15.	– Provide for the establishment of MCSE measures.	✓	✓	●*	∅*	●*	(A6) Pages 28 and 38 (B1) Articles 16(d) and 117 (D3) Entire Law	(D3) concerns MCSE for piracy issues.
16.	– Promote ecosystem-based research plans/priorities, designate the authority and outline the timeline and process for their monitoring and review.	∅	X	X*	X*	X*	(A2) Pages 15 and 18 (A3) Table 1 (A5) Pages 87–88	References in (A2) and (A3) do not address monitoring and review and refer generally to fisheries research.  References in (A5) concerns research

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EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
								on environmental data and monitoring.
	17. – Promote the right of access to education and awareness raising on EAF.	∅	X	X*	✓*	●*	(A1) Page 78 (D5) Article 30	Reference in (A1) provides for the enhancement of the quality of general education.
	<b>Institutional arrangements</b>							
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.  (b) overlapped closely and are harmonized with well-established management boundaries and governance structures.	✓	X	X	∅*	✓*	(A7) Page 67 (D6) Articles 5–8 (E3) Articles 1–2	Provisions in (D6) concern the establishment of protected areas, to be regulated.
C.4 Stakeholder participation		✓	X	X	∅*	✓*	(A7) Page 67 (E3) Articles 1–2	Provisions in (D6) concern the establishment of protected areas, to be regulated.
C.5 Coordination, cooperation and integration	19. – Promote states cooperation on the harmonization of management measures and plans (bilaterally, regionally and internationally).	✓	✓	X	✓*	✓*	(A1) Pages 80–81 (A5) Page 127 (A6) Page 37 (B1) Articles 15–17 (D4) Articles 3(7) and 142 (D5) Articles 27–28 (E3) Articles 4–10	
C.7 Conflict management								
C.8 Integrated management of aquatic ecosystems	20. – Establish transparent and accessible mechanisms, bodies (including lower level authorities) or processes to:	✓	X	X	∅*	✓*	(A7) Page 67 (D6) Articles 5–8	Provisions in (D6) concern the establishment of

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

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
	(a) support well-established management boundaries and governance structures on the basis of ecosystem considerations.						(E3) Articles 1–2	protected areas, to be regulated.
	(b) outline conservation and management measures, including FMPs, at local and national levels.	✓	∅	X	✓*	✓*	(A2) Page 9 (B1) Article 10 (D6) Articles 5–8 (E4) Articles 1, 4	Provision in (B1) concerns FMP but does not provide for transparent and accessible mechanisms.
	(c) facilitate coordination, cooperation and integration of management decisions, regulatory action, environmental policies, plans and programs.	✓	X	X	✓*	●*	(A5) Entire program (D5) Articles 7–9, 12, 15, 35-37	
	(d) monitor, assess and align the various environmental policies and plans.	∅	X	X	✓*	●*	(A5) Pages 89–90 (D5) Articles 15, 35–37	References in (A5) concerns monitoring and harmonizing environmental data.
	(e) manage conflict over fisheries, relevant resource and ecosystem, including parameters for decision-making and resolving the conflict.	∅	∅	∅	X*	X*	(A2) Page 14 (B1) Article 28(m) (C2) Article 18 (C4) Article 19	Reference in (A2) does not provide parameters for decision-making and resolving the conflict.  Provision in (B1) cross-refers the details on conflict management to regulations.  Provisions in (C2) and (C4) establish

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
								that the conflicts between members of village organizations and fishing communities are settled by their offices in collaboration with the local representative of the competent Ministry.
	(f) ensure integrated management of aquatic ecosystems (e.g. integrated coastal zone) based on ecosystem delimitations.	✓	X	X	✓*	●*	(A8) Pages 40–68 (D4) Articles 131, 133	
	(g) ensure periodic reviews of managed aquatic ecosystems that assess the state of aquatic resources, levels of pollution, habitat degradation and other factors.	✓	X	X	X*	X*	(A8) Pages 84–93	
	(h) ensure periodic reviews of integrated management plans to assess objectives and indicators and to determine any potential needs for adjustment or revision.	X	X	X	X*	X*		
	(i) ensure periodic reviews of conflict management processes.	X	X	X	X*	X*		
21.	– Clearly outline powers, roles and responsibilities of all bodies, designated authorities, their relationships and processes, avoiding overlapping and conflicting mandates.	✓	X	X	✓*	●*	(A2) Table 2 (A3) Table 1 (A4) Page 14 (c1) Article 3 (c5) Entire Order (D5) Articles 10, 12, 15	

**Perceived level of alignment with the EAF legal requirement**

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

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
22.	– Outline mandates for the government institutions to: (a) coordinate efforts, cooperate and integrate approaches, from the local to the national levels.	✓	X	✓	✓	✓	(A6) Pages 33–36 (A2) Page 22 (A3) Table 1 (c4) Article 19 (D4) Articles 135–141 (D5) Articles 7, 25–26 (E1) Article 28	
	(b) coordinate, cooperate and integrate the regional and international processes and arrangements.	✓	✓	X	✓	✓	(A6) Pages 31–32, and 37 (B1) Articles 15–19 (D2) Article 6 (D4) Article 142 (D5) Articles 27–28 (E3) Articles 4–10	
	(c) allocate financial, human and material resources to ensure the integration of lower level authorities	∅	X	X	✓	X	(A2) Table 3 (A3) Table 1 (A5) Page 124–125 (A6) Pages 33–36 (D5) Articles 25–26	Reference in (A6) does not provide for the allocation of financial resources.
	<b>Stakeholder participation, coordination, cooperation and integration</b>							
C.4 Stakeholder participation  C.5 Coordination, cooperation	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.	✓	✓	✓	✓	✓	(A6) Pages 35–36 (B1) Article 11 (C1) Article 2 (D4) Articles 134, 137 (D5) Articles 13, 17 and 22 (E3) Article 3	

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
and integration C.6 Integration of lower level authorities, bodies and stakeholders C.8 Integrated management of aquatic ecosystems	24.	– Establish and properly publicize public meetings or hearings.	X	X	X	X	∅	(E1) Article 41	Provision in (E1) does not detail the establishment of public consultations.
	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	∅	(E1) Articles 41 and 48	Provision in (E1) does not detail the establishment of public consultations.
	26.	– Promote international cooperation for effective integrated management of aquatic ecosystems.	✓	✓	X	∅	✓	(A6) Page 37 (B1) Articles 15–17 (D5) Articles 27–28 (E3) Articles 4–10	Provisions in (D5) do not specifically refer to integrated management of aquatic resources.
		<b>Fisheries management Catch/output controls</b>							
C.9 Controls on fishing operations C.10 Fishery management plans C.17 Monitoring and review	27.	– Establish limits on the amount of fish that may be removed from a fishery in a given period of time (e.g. TAC), restrict the number of fish that may be landed in a day (e.g. bag limit) or place limits on the amount of acceptable bycatch and/or discards from a fishery – all based on scientific data and maximum sustainable yield and the precautionary principle.	✓	∅	X	N/A	N/A	(A2) Page 18 (A4) Pages 22–24 (B1) Articles 10(c) and 28(h)	Provision in (B1) cross-refers the details on TAC to regulations.
	28.	– Ensure authority to institute TACs and to allocate individual quotas is representative, including representatives from lower levels of government.	X	∅	X*	N/A	N/A	(B1) Article 10(c)	Provision (B1) does not specifically refer to lower levels of government.
	29.	– Ensure procedure for TACs outlines the category of vessels to which the TAC applies; period of time for which the TAC is declared; process for sub-dividing the TAC into individual	X	X	X	N/A	N/A		

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

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
	quotas; timeline, authority and participatory process for periodic monitoring and review.							
	30. – Coordinate the TACs for shared stocks or highly migratory species with international or regional management measures.	X	X	X*	N/A	N/A		
	31. – Monitor the catch in real-time and close a fishery when the TAC is reached.	X	X	X*	N/A	N/A		
	32. – Attach catch controls to licenses and access agreements, including authority responsible for allocating, issuing and regulating quotas, and the procedure to be followed.	X	∅	X*	N/A	N/A	(b1) Article 21(a)	Provision in (b1) requires the specification of species and tonnes whose catch is authorized, under access 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	X*	N/A	N/A		
	<b>Effort/input controls</b>							
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	(a6) Page 27 (b1) Articles 29–42 (c2) Articles 4–7 (c3) Articles 3–7 (c4) Articles 5–8	Reference in (a6) emphasizes the importance of licensing scheme for control of access to fisheries resources.
	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 29–42 (c2) Articles 4–7 (c3) Articles 3–7	

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EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
							(c4) Articles 5–8	
	36. – Outline process for establishing provisions for effort controls (e.g. limitation on vessel capacity, on expansion of fishing fleet, on allowable days spent at sea).	X	∅	✓*	N/A	N/A	(b1) Article 28(b) (c3) Article 16(b)	Provision in (b1) cross-refers the details on the licensing scheme to regulations.
	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	(b1) Article 28(b)	Provision in (b1) cross-refers the details on the licensing scheme to regulations.
	38. – Empower the designated authority to establish additional regulations for licensing.	X*	✓	●*	N/A	N/A	(b1) Article 33	
	39. – Empower authority to regulate effort controls and respective parameters.	∅*	✓	●*	N/A	N/A	(A6) Page 30 (b1) Article 33	Reference in (A6) provides certain fishing effort control measures.
	<b><i>Fishing gear and method controls</i></b>							
C.9 Controls on fishing operations C.10 Fishery management plans C.17	40. – Establish requirements on fishing gear and methods that are permitted for use within a given fishery or area, including related technical specifications (e.g. general prohibitions on types of gear, methods, specifications on gear design, minimum mesh sizes).	✓	∅	✓	N/A	N/A	(A2) Pages 13–14 (A3) Page 12 (A6) Page 28 (b1) Article 28(f) (c2) Articles 8–10 (c3) Articles 16–20 (c4) Article 9	Provision in (b1) cross-refers the details on fishing gear requirements to regulations.



Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
Monitoring and review	41.	– Outline prohibitions on highly destructive gear and fishing methods (e.g. fishing by toxic substance, explosives, electricity, fishing with the use of light).	✓	✓	✓*	N/A	N/A	(A2) Pages 13–14 (A3) Page 12 (B1) Article 60 (C2) Article 10 (C3) Article 15 (C4) Article 11	
	42.	– Outline requirements aimed at reducing negative impacts of fishing methods and gear (e.g. prohibition of trawling in areas with sensitive seabed habitat, require use of biodegradable nets, restrict the use of FADs or require use of bycatch reduction devices).	✓	∅	✓	N/A	N/A	(A2) Pages 13–14 (A3) Page 12 (B1) Article 28(f) (C2) Articles 10–11 (C3) Articles 16–20 (C4) Article 11	Provision in (B1) cross-refers the details on fishing gear requirements, including bycatch restrictions, to regulations.
		<b>Spatial and temporal controls</b>							
C.9 Controls on fishing operations c.10 Fishery management plans c.17 Monitoring and review	43.	– Regulate area and time in which fishing operations may or may not take place (e.g. closed areas/seasons), closed or restricted-use areas, which prohibit or limit fishing operations (e.g. protection of artisanal fishing).	✓	∅	✓*	N/A	N/A	(A3) Page 12 (B1) Article 28(f) (C2) Articles 8–12	Provision in (B1) cross-refers the details on closed seasons and areas to regulations.
	44.	– Empower authority to define spatial and temporal controls and the procedure.	✓	X	X*	N/A	N/A	(A2) Entire Plan (A3) Entire Plan (A4) Entire Plan	
	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	(C2) Articles 8–12 (C3) Articles 23–25	

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

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
	<i>Fishery management plans</i>								
C.9 Controls on fishing operations  C.10 Fishery management plans  C.17 Monitoring and review	47.	– Designate authority with power and responsibility to develop, approve, adopt and publicize a FMP, clearly outlining the roles and responsibilities.	X	✓	X*	N/A	N/A	(b1) Article 10	Provision in (b1) does not require that the FMP is publicized and cross-refers its approval to regulations.
	48.	– Ensure FMPs and measures comply with established integrated management plans for aquatic ecosystems involving e.g. protected areas or critical habitat.	X	X	X	X*	X*		
	49.	– Establish process for approval, adoption and publication of FMP with its periodic review.	✓	∅	X*	N/A	N/A	(A2) Entire Plan (A3) Entire Plan (A4) Entire Plan (b1) Article 10	Provision in (b1) does not require that the FMP is publicized and cross-refers its approval to regulations.
	50.	– Detail process of drafting FMP, including multi-level and multi-sector collaboration and consultation with stakeholders, and a participatory transparent process for monitoring and reviewing the FMP at a minimum within five years of their development.	X	∅	X*	N/A	N/A	(b1) Article 10	Provision in (b1) does not include multi-sector collaboration and consultation.
	51.	– List the minimum requirements in the FMPs: (a) management objectives that take into account EAF;	✓	∅	X*	N/A	N/A	(A2) Page 9 (A3) Pages 8, 9 and 13 (A4) Pages 8, 14–15 (b1) Article 10(b)	References in (A2) and (A3) concern the management objectives of the FMP, but they do not specifically

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
								require taking into account EAF. Provision in (b1) generally requires the FMP to specify management objectives for each fishery.
	(b) biological description of fishery and ecosystem in which it takes place;	✓	✓	●*	N/A	N/A	(A2) Pages 10–12 (A3) Pages 9–10 (A4) Pages 8–9 (b1) Article 10(a)	
	(c) social, economic and institutional aspects of the fishery;	✓	✓	●*	N/A	N/A	(A2) Page 9 (A3) Pages 10–11 (A4) Pages 9–10 (b1) Article 10(a)	
	(d) species composition and levels of bycatch, both retained and discarded;	∅	X	X*	N/A	N/A	(A2) Page 12 (A3) Pages 9–10 (A4) Pages 8–9	References in (A2) and (A4) do not address bycatch.
	(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*	N/A	N/A	(A2) Pages 13–14 (A3) Page 12 (A3) Page 14	
	(g) a review of the relationship with other coastal or marine resource management plans.	X	X	X*	N/A	N/A		

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

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
	<b>Conservation measures</b>								
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	✓*	✓*	●	(A3) Table 1 (A3) Pages 8–10 (A6) Page 30 (c2) Articles 10–12 (c3) Article 22 (c4) Articles 11–13 (c6) Articles 2–3 (p5) Articles 61–62 (p6) Article 5	
	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	✓	✓*	✓*	●	(b1) Article 61 (c3) Article 14 (p6) Articles 2, 9–10	
	54.	– Ensure coordination between the various authorities involved in marine environment protection.	X	∅	X*	X*	X	(b1) Article 11	Provision in (b1) establishes an inter-ministerial and inter-professional advisory committee for coordination of activities under the national fisheries and aquaculture policy.
	55.	– Establish mechanisms and designation of authority responsible for establishing: (a) designation and protection of threatened and endangered species, ensuring cooperation among the	X	X	X*	∅*	X	(p5) Article 62 (p6) Articles 2, 9–10	Provision in (p5) clarifies that the Ministry in charge of the environment, in

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

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
	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.							collaboration with the concerned actors, determines by order the protected species of animals and plants, and their level of protection. Provisions in (d6) do not provide for the process of designating protected species.
	(b) protected areas, ensuring the outline of the type of protected areas, description of their levels of protection (e.g. marine reserve, parks, sanctuaries or MPAs), the process for nominating, establishing and managing a protected area, including stakeholder participation particularly of local communities, consultation and coordination with various authorities, both at national and local levels.	∅	X	X*	∅*	X	(A7) Page 67 (d5) Articles 64–66, 78	Reference in (A7) do not detail the process for nomination of MPA. Provisions in (d5) allow the establishment of a protected area for the conservation of an area with special interest from an ecological, archaeological, scientific, aesthetic, cultural or socioeconomic point of view, as well as creation of a MPA.

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

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
		(c) the restoration of damaged habitat and ecosystems, ensuring the process through which it is decided when, where and how a damaged habitat/ecosystem shall be restored, and the establishment of funds that may be used to engage in restoration activities.	∅	X	X*	✓*	X	(A6) Page 30 (D5) Articles 21, 86–88	References in (A6) does not detail the process for carrying out feasibility studies on the possibilities of restoring certain habitats.
	56.	– Ensure educational and awareness-raising activities for promoting habitat and biodiversity conservation and restoration with the establishment of special funds to support such activities.	X	X	X*	✓*	X	(D5) Articles 15, 21 and 30	
C.15 Regulation of activities potentially harmful to aquatic ecosystems	57.	– Adopt measures to:						(A2) Page 14 (A3) Page 14 (C3) Article 9 (D4) Articles 55-69 (D5) Articles 70, 73, 74, 79-84	
		(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		
		(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	X			
	58.	– Require authorization prior to the planned introduction of any species, including species meant for aquaculture or fish stocking, taking into account the precautionary approach, and	X	∅	X	X	X	(B1) Article 58	Provision in (B1) cross-refers to regulations the

**Perceived level of alignment with the EAF legal requirement**

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

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
		establish measures to prevent the escape of exotic species into the wild.							conditions for such authorization.
C.16 EIS or EIA	59.	– Regulate marine extractive activities (e.g. marine mining for minerals or petroleum, harvesting of marine plants) and other potentially harmful activities, including the construction of installations for use by industry, laying of underwater cables, military exercises, shipping.	X	X	X	X	X		
	60.	– Require EIS or EIAs for activities that have the potential to affect ecosystems that support fisheries (e.g. fishing, aquaculture, mining, petroleum extraction, coastal development).	X	X	X	✓	✓	(D5) Articles 38, 40 and 79 (E1) Articles 3, 6, 11, 13, 15-16	
	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*	∅	∅	(D5) Article 39 (E1) Articles 25 and 31	Provision in (D5) establishes that the EIA's content, methodology and procedures will be determined by a decree of the Council of Ministries.  Provisions in (E1) establishes that the minimum content of ESIA is determined in sectorial guidelines.
	62.	– Establish process for submission, review and decision-making on the EIS or EIA, with designation of authority responsible for receiving, reviewing and deciding upon the EIS or EIA (e.g. the minister responsible for environment), opportunity for public participation (e.g. comment periods and hearings), consultation	X	X*	X*	∅	✓	(D5) Article 39 (E1) Articles 19–45	Provision in (D5) establishes that the EIA's content, methodology and procedures will be determined by a

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
	with other relevant government institutions or localities, and determination of adequate mitigation measures.								decree of the Council of Ministries.
	<b>Fishery monitoring and research</b>								
C.13 EAF research	63.	– Establish research programme for furthering the knowledge and understanding of EAF.	∅	✓	X*	∅	X*	(A2) Pages 15 and 18 (A3) Table 1 (B1) Articles 13–14 (D5) Articles 33–34	References in (A2) and (A3) do not address monitoring and review and refers in general to fisheries research.  Provisions in (D5) broadly concern environmental research.
	64.	– Designate authority for conducting and involving stakeholders in the research programme.	X	✓	X*	✓	●*	(B1) Article 14 (D5) Articles 33–34	
	65.	– Ensure the research programme’s objectives are based on EAF principles, which may include research on inter-species interactions, the impact of fishing on target and non-target stocks, the identification of spawning and nursery areas, areas of critical habitat, rates of bycatch and discards per fishery, the incidence and effect of pollution on fisheries, the status of ecosystem biodiversity, the social and economic dimensions (such as employment, food security), income distribution and other considerations.	X	✓	X*	X	X*	(B1) Article 14	
	66.	– Consider the findings of the EAF research in the adoption of conservation and management measures.	X	✓	X*	X	X*	(B1) Articles 13–14	



Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
	<b>MCSE</b>								
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 74–77	
	68.	– Ensure observers have full access to all parts of the vessel and its equipment and to any place in the country where fish that have been caught in national waters are uploaded, processed, stored or transshipped.	X	✓	X	N/A	N/A	(b1) Article 28(e)	
	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 74	Provision in (b1) cross-refers the details on the observer scheme to regulations.
	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 67–73 (c3) Article 10	Provision in (c3) generally requires licensed fishing vessels to have appropriate surveillance system and GPS communication devices.
	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	X	✓	∅	N/A	N/A	(b1) Articles 28(j), 64–66 (c2) Article 14 (c4) Article 15	Provisions in (c2) and (c4) are limited to reporting catch

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
	(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).							data of fishing in inland waters.
72.	– Ensure the establishment and maintenance of a record of fishing vessels licensed to fish in waters under national jurisdiction and nationally flagged vessels authorised to fish in ABNJ with the designation of the authority responsible for its maintenance and information to be recorded for each category of vessel.	∅	✓	∅	✓ N/A	N/A	(A6) Pages 27–28 (B1) Articles 25–27 and 49 (C3) Article 10 (D1) Article 50	References in (A6) address the registration of artisanal fishing vessels.  Provision in (C3) generally requires licensed fishing vessels to be registered.
73.	– Ensure the records of industrial fishing vessels include the name of the vessel, the flag state and any previous flag states, the radio call sign, the International Maritime Organization (IMO) number, the automatic identification system (AIS) and the VMS, if relevant the vessel length and tonnage, if relevant the fishing methods and gear used, the name and nationality of operator and beneficial owners of the vessel, and any transgressions of fisheries legislation associated with the vessel.	X	∅	X	∅ N/A	N/A	(B1) Articles 25–27 and 49 (D1) Article 50	Provisions in (B1) do not include all the required information.
74.	– Broadly detail the registration process and ensure registration of all fishing vessels with the relevant fisheries or maritime authority, including information on the name of vessel, the flag state and any previous flag states, the radio call sign, if relevant the IMO number, the AIS and VMS, if relevant the vessel length and tonnage, the name and nationality of the beneficial owners of the vessel, and any transgressions of fisheries legislation associated with the vessel.	X	∅	X	N/A	N/A	(B1) Articles 25–27 and 49	Provisions in (B1) do not include all the required information.

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
75.	– Detail the specifications for marking vessels and fishing gear in accordance with internationally approved standards.		X	✓	✓	N/A	N/A	(b1) Articles 62–63 (c3) Articles 10–11	
76.	– Ensure cooperation and coordination between fisheries and maritime authorities throughout the registration process.		X	✓	X	∅ N/A	N/A	(b1) Article 63 (D1) Article 49	Provision in (B1) requires prior agreement of the fisheries and aquaculture administration before registration of any fishing vessel with the maritime administration.  Provision in (D1) subjects the registration with the maritime authority to prior authorization of the Ministry in charge of fisheries.
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 118, 121–123	
78.	– Ensure the controls placed on landing and transshipping of fish, both at sea and in port, and by national and foreign vessels, is in accordance with regional and international instruments.		X	✓	✓	N/A	N/A	(b1) Articles 82–90 (c3) Articles 12–13	
79.	– Provide additional VMS specifications and specific details on the registration process.		X*	∅	X	N/A	N/A	(b1) Article 68	Provision in (b1) cross-refers to

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
									regulations the details on VMS specifications and registration process.
		<b>Enforcement processes and sanctions scheme</b>							
C.12 Offences, penalties and administrative and judicial processes	80.	– Detail the fisheries-related offences (civil or criminal) and corresponding penalties, weighted depending on the level of severity of the offence but outlined in a way that maintains their strength over time (e.g. utilize formulas such as a percentage of the total market value of the sale of the illegal catch, or penalty units).	X	∅	∅	✓	X	(b1) Articles 50 and 77 (c2) Articles 15–17 (c3) Article 26 (c4) Articles 16–18 (c6) Article 5 (d5) Articles 151–158 (d6) Articles 34–37, 39	Provisions in (b1) are limited and do not include all the relevant fisheries offences. Provision in (c3) does not detail the offences. Provisions in (c2), (c4) and (c6) do not weight penalties based on their level of severity.
	81.	– Establish transparent and equitable administrative processes for determining and confirming offences, applying relevant penalties, with provision for compounding of offences/out-of-court settlement.	X	X	∅	✓	X	(b1) Articles 129–130 (c2) Article 18 (c4) Article 19 (d4) Articles 161–176 (d5) Articles 136–150 (d6) Articles 39–41	Provisions in (c2) and (c4) concern disputes resolution arising from inland fishing.
	82.	– Establish judicial processes used for determining and confirming offences and applying relevant penalties to the offending parties, allowing for a right of appeal.	X	X	X	X	X		



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

**For more information:**

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