



Food and Agriculture  
Organization of the  
United Nations

# Legal report on the ecosystem approach to fisheries in Senegal

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

FAO EAF-Nansen Programme Report No. 51  
EAF-N/PR/51 (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 the heads of 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 Programme is executed by the Food and Agriculture Organization of the United Nations (FAO) in close collaboration with the Institute of Marine Research (IMR) of Bergen, Norway, and funded by the Norwegian Agency for Development Cooperation (Norad). This Programme is the current phase of the Nansen Programme which started in 1975.

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

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The Programme works in partnership with countries, regional organizations, other UN agencies as well as other partner projects and institutions.

# **Legal report on the ecosystem approach to fisheries in Senegal**

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policy and legal instruments of Senegal**

**By Julia N. Nakamura and Teresa Amador**

**FAO EAF-Nansen Programme Report No. 51  
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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 Senegal 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 Senegal'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 Senegal. Drafted in July 2021, the report was submitted to the national authorities of Senegal in October 2021. The Directory of Maritime Fisheries, under the Ministry of Fisheries and Maritime Economy, reviewed and endorsed this EAF Legal Report of Senegal in May 2022.



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## Abbreviations and acronyms

CFI	Coastal Fisheries Initiative
DPM	Directory of Maritime Fisheries (of Senegal)
EAF	ecosystem approach to fisheries
EIA	environmental impact assessment
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
MPA	marine protected area
NGO	non-governmental organization
RFMO/A	regional fisheries management organization and/or arrangement
TAC	total allowable catch
VMS	vessel monitoring system

# 1. Introduction: legislating for 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 Senegal 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 Senegal in selected international legally binding instruments relevant to an EAF	
Instrument	Status <sup>1</sup>
1971 Ramsar Convention on Wetlands of International Importance	Party
1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora	Party
1979 Convention on the Conservation of Migratory Species of Wild Animals	Party
1982 United Nations Convention on the Law of the Sea	Party
1992 Convention on Biological Diversity	Party
1993 Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas	Party
1995 United Nations Agreement for the Implementation of the Provisions of the LOSC relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA)	Party
2009 Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing	Party

Senegal is a **Party** to all the selected international legally binding instruments relevant for an EAF. For such instruments as well as for the non-binding instruments that Senegal 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 legal and policy frameworks.

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

### **1.3 Linkages with other relevant FAO initiatives**

FAO activities supporting the implementation of the EAF through national policy and legal frameworks have been undertaken in collaboration with other partners, programme and projects, including the Coastal Initiative Programme (CFI). The CFI has supported the analyses of fisheries policy and legal instruments in West African countries, with a focus on Cabo Verde, Côte d'Ivoire and Senegal.

A report was recently produced under the CFI assessing national and policy instruments of Senegal with respect to a broad range of issues, including the EAF, small-scale fisheries, fisheries value-chain and gender. The main findings of this CFI report relevant to the EAF are indicated in subsection 3.4 of the current report.

Both the CFI report and the current EAF Legal Report provide useful information and recommendations on the EAF in the policy and legal framework of Senegal. It is therefore important that the CFI report and the EAF-Nansen report are read in conjunction, as they are mutually supportive in strengthening the alignment of national policy and legal instruments of Senegal with the EAF.

## 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.

### 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.

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 Senegal***

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>

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

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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.

### 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.

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

The EAF Legal Checklist provides the EAF legal requirements structured by the 17 EAF Components, based on a step-wise methodology (FAO, 2021, Subsection 2.2), and in accordance with the typical subjects of a fisheries primary legislation, without prejudice to the particular structure of the fisheries primary legislation of Senegal (FAO, 2021, Subsection 3.2). In filling it in, priority was given to assessing the EAF legal requirements in the fisheries policies and primary/secondary legislation. In this process, the different symbols presented in Table 3 below were used.

<b>Symbol</b>	<b>Perceived level of alignment with the EAF legal requirement</b>	
✓	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 Senegal.

#### **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 Senegal Constitution of 2001, as last amended in 2016, were considered particularly relevant in incorporating the EAF legal requirements. These parts and legal provisions which, without prejudice to others that may also be relevant, were considered good examples of addressing 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.

<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.



## 2.2 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 **Senegal** presented under **Appendix B**.

### 2.2.1 Fisheries policy

The assessed six fisheries policies and policies related to fisheries correspond to A1 to A6 in Appendix A. They cover **29** of the 82 EAF legal requirements.

It was not possible to examine the *Lettre politique du secteur de l'environnement et du développement durable 2021–2025* [Policy on the environment and sustainable development 2021–2025], given that it has not been yet validated by the government nor has it been made available to the public.

The *Plan national d'adaptation du secteur de la pêche et de l'aquaculture face au changement climatique Horizon 2035* [National Plan for adaptation of the fisheries and aquaculture sector against climate change horizon 2035] fosters measures that contribute to energy efficiency in this sector through the use of renewable energy in the process of smoking fish, use of new technologies and techniques in facilities for transforming and valorising fishery products and development of new fishing vessels standards under the context of climate change (Section 5.1.5). It also identifies the lack of institutional coordination on climate change and the creation of the Fisheries and Climate Change Platform which is expected to create a new dynamism among these institutions (Section 1.7.1). This plan also promotes co-management and foresees the capacity building of fishing communities to contribute to the development of local management plans for different fisheries at local, regional and national level (Section 5.1).

The *Lettre de politique sectorielle de développement pour le secteur de l'eau, l'assainissement (incluant la Gestion intégrée des ressources en eau) 2016–2025* [Water and Sanitation Development Sectoral Policy (including Integrated Water Resources Management) 2016–2025] is based on the values of inclusiveness, according to which stakeholders are encouraged to be open-minded and actively listen to each other in order to benefit from diversity and meet the aspirations of all stakeholders (Section 4.2.3). One of its specific objectives is to strengthen the institutional and operational framework for integrated water resources management with a view to sustainably meeting the needs of all uses (Section 4.5).

The *Lettre de politique sectorielle de développement de la pêche et de l'aquaculture 2016–2023* [Fisheries and Aquaculture Development Sectoral Policy 2016–2023] is based on important EAF guiding principles, such as: transparency, performance and equity in the governance of the sector; participation of stakeholders in the preparation of short-term operational programs, implementation, monitoring and evaluation; sharing of knowledge and information necessary for the sustainable management of fisheries resources and ecosystems; strengthening of decentralized development of fisheries activities and aquaculture;

compliance with international commitments undertaken under bilateral and multilateral fisheries cooperation (Section 3.3). This policy includes the specific objectives of sustainably managing fishery resources and restoring habitats, developing aquaculture, and promoting the valorization of fishery production. The first objective provides for measures related to the definition and control of access to fishery resources in artisanal fisheries in connection with co-management and the granting of access rights to organized communities (Section 3.4.2.1). Management plans play a key role in fisheries management, particularly with respect to co-management (Section 3.4.2.1). Rare species and the influence of new impacts and multiple forms of threats and adverse effects on marine ecosystems are particularly relevant to EAF (Page 14). The necessary conditions for implementation of this policy include the redefinition of the institutional relationship between fisheries research and the Ministry in charge of fisheries and aquaculture.

The *Stratégie nationale et le Plan national d'actions pour la biodiversité de 2015* [National Biodiversity Strategy and Plan of Action of 2015] contains the following four strategic axes: improving the knowledge on biodiversity and strengthening institutional and technical capacities for its implementation; reducing the pressures, restoration and conservation of biodiversity; considering biodiversity within policies of economic and social development; and promoting the sustainable use of biodiversity and mechanisms of access to biological resources as well as fair and equitable distributions of the benefits arising from their exploitation (Page 37). Specific objectives and the respective action outlined therein align with an EAF, for example, reinforcing the resilience of ecosystems through the development of integrated management of coastal zone with the involvement of different stakeholders, including civil society (Pages 41–43).

The *Stratégie nationale de gestion des aires marines protégées de 2013* [National Strategy for the Marine Protected Areas of 2013] has the following three axis: strengthening the institutions, creation and management of marine protected areas (MPAs); contribution of MPAs to the sustainable development of fishery resources, marine and coastal biodiversity conservation and improvement of local communities livelihoods; and development of scientific research for the MPA. Under each axis there are several objectives all which are guided by principles relevant for an EAF, namely, participatory and integrated management, ecosystem approach, precautionary principle, knowledge-base approach, equitable benefit-sharing, and adaptive management (Page 9). The Strategy is centred on five strategic objectives which include: reducing the direct pressures on biological diversity and encourage sustainable development; improving the state of biological diversity and safeguard the ecosystems, species and genetic diversity; and strengthening the implementation of participatory planning and capacity building (Page 24). The strategic axis of this policy are further detailed (Page 32–39) as well as its guiding principles (Pages 39–44).

### **2.2.2 Fisheries primary legislation**

The assessed two fisheries primary legislation correspond to B1 and B2 in Appendix A. They cover **27** of the 82 EAF legal requirements.

The *Code de la pêche maritime de 2015* [Marine Fisheries Code of 2015] (hereinafter referred to as “*Fisheries Code*”) establishes that the management of fisheries resources is a prerogative of the State who shall adopt a precautionary approach (Article 4). It also adopts a participatory approach, requiring the State to take appropriate measures to facilitate coordination and participation of professional organisations of the sector, marine fishing communities and all other actors concerned with the preparation of policies of sustainable development and management of marine fishing activities (Article 5), and promotes co-management among those stakeholders in the terms to be regulated (Article 6). The FMPs are established on an annual or multiannual basis by the Ministry in charge of fisheries, taking into account the participation of interested stakeholders, and are subject to periodic review upon evolution of fisheries data (Article 13). The State adopts an ecosystem-based integrated management approach, incorporating conservation objectives to ensure the sustainability of critical species and habitats for restoration of fisheries resources and increased productivity in national waters (Article 14).

The Fisheries Code establishes the National Marine Fisheries Advisory Council, chaired by the Director of Maritime Fisheries, and composed by representatives of the administration, scientific research, concerned socio-professional categories and the Sports Fishing Federation, and the Local Artisanal Fishing Councils which can be set up in the regions - the powers and modus operandi of these two bodies are to be established by secondary legislation (Articles 22–23). Given the vitality, social and economic importance of artisanal fishing, notably its contributions to the fight against poverty and food security and growth, the Fisheries Code calls upon the State to promote the development of artisanal fishing and to support the establishment of mechanisms encouraging the participation of fishers in fisheries management and the creation of zones reserved to this sector (Article 24). The Fisheries Code empowers the Ministry in charge of fisheries to establish the conditions for the creation, organization and functioning of a national registry for both industrial and artisanal fishing vessels (Articles 31–32). A broad fishing licensing, permit and authorisation scheme is provided (Articles 34–64) together with conservation measures that include prohibitions on fishing, detention and commercialization of all species of marine mammals and turtles (Article 67(a)(b)).

The Fisheries Code outlines the MCSE rules and, in specific, mandates the Ministry in charge of fisheries to supervise and coordinate all the activities and operations for the surveillance and protection of fisheries in national waters (Article 83). The administrative process for the application of sanctions is detailed by this Code, including provision for compounding of offences through agreement between the Ministry in charge of fisheries or the respective representative and the offender (Article 105). The Fisheries Code clarifies the rules applicable to the judicial process, for the application of its sanctions scheme (Articles 118–121). It also details the penalties and accessory sanctions, which are differentiated for the industrial and artisanal fishing (Articles 122–137) and defines recidivism, as the repetition of the offence within two years of a first and final conviction (Article 135), which will result in doubling the amount of the fines applicable to offences under Articles 123–129.

### 2.2.3 Fisheries secondary legislation

The assessed 13 fisheries secondary legislation corresponds to C1 to C13. They cover **20** of the 82 EAF legal requirements.

The *Décret n° 2016–1804 de 2016 portant application du Code de la pêche maritime* [Decree No. 2016–1804 of 2016 regulating the Marine Fisheries Code] addresses some EAF provisions not covered by the primary legislation or clarify them. It provides for the composition of the National Advisory Council on Marine Fisheries, which includes members of the boards and ministries of different sectors, as well as three representatives of the Local Artisanal Fisheries Council, three of the artisanal fisheries professional association and one representative of civil society organisations, thereby ensuring participation of lower-level authorities (Article 4). It also provides more detailed rules on the artisanal fisheries councils, whose missions include participating in the preparation and execution of FMPs and MCS at local level, conflict management between fishers using different fishing methods and in the promotion of local initiatives for fisheries co-management (Article 6).

One important provision of this regulation is the establishment of the Consultative Commission for the Issuance of Licences, which provides advice on the application, issuance, suspension and revocation of fishing licences and is broadly represented, including by representatives of the army and finance ministries as well as a representative from artisanal fisheries and shipowners representatives (Articles 11 and 13). Control of fishing methods and gears are also provided by this decree including gear specifications and minimum mesh size for artisanal (Articles 24, 26 and 27) and industrial fishing (Articles 29 and 30) and prohibition of bottom longline in statuaries, inlets, and in other parts of mangrove areas, beach seine and drifting gillnets for shrimp fishing in national waters (Article 25). It also includes MCS requirements on catch reporting (Article 55), marking of fishing vessels authorised to operate in national waters (Articles 56–58) and observer scheme, including protection for observers to conduct their activities on board (Articles 59–66). This regulation establishes the Advisory Commission on Fishing Infractions (Article 67) which advises on the compounding of offences and the amount of the security bond provided under Articles 114 and 115 of the Fisheries Code.

Two other secondary fisheries legislation provide for the EAF requirement of establishing and maintaining a registry of fishing vessels, namely the *Arrêté ministériel n° 6397/2012 portant gel de l'immatriculation des embarcations de pêche artisanale maritime* [Ministerial Order No. 6397/2012 on the registration of marine artisanal fishing vessels], and the *Arrêté ministériel n° 853/2005 portant création, organisation et fonctionnement du registre national des navires de pêche* [Ministerial Order No. 853/2005 on the creation, organisation and functioning of the national register of fishing vessels]. The former contains a provision particularly relevant for an EAF, allowing the information of the registry to be used for sub-regional cooperation (Article 9).

The *Arrêté ministériel n° 1008/1999 fixant les modalités d'embarquement des observateurs à bord des navires sénégalais* [Ministerial Order No. 1008/1999, regulating the embarking of

observers on board Senegalese fishing vessels] requires vessels flying the Senegalese flag with a gross tonnage equal or superior to 100 GT, fishing in national waters, to have on board an observer and two when their gross tonnage is equal or superior to 500 GT (Article 2). This provision also grants the competent authority with the right to embark an observer on board any fishing vessels in national waters for resource management purposes. Also of relevance is the *Arrêté ministériel n° 19126/2016* [Ministerial Order No. 19126/2016] which establishes the conditions for the installation and use of electronic fishing logbooks in deep-sea shrimp fishing vessel which applies to any deep-sea shrimp fishing vessel under the Senegalese flag or operating in waters under Senegalese jurisdiction (Article 2). The *Arrêté n° 03564 du 02 mars 2017* [Order No. 03564 of 02 March 2017] establish the conditions of use of fishing logbooks which contains information on catches, statistics and others (Article 1).

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

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

The *Code de l'environnement de 2001* [Environmental Code of 2001] (hereafter 'Environmental Code'), finds a supportive provision anchored in the *Senegal Constitution*. Articles 8 and 25-2 of the Constitution provides for the right of all citizens to a healthy environment. The later also requires the public authorities to preserve, restore the essential ecological processes, provide responsible management of species and ecosystems, preserve the diversity and integrity of the genetic heritage, require environmental assessments for plans, projects or programmes, promote environmental education and ensure the protection of populations from the development and implementation of projects and programmes whose social and environmental impacts are significant.

The Environmental Code establishes that the enhancement of the environment is an integral part of the national socioeconomic and cultural development policy and sets up a number of principles relevant for an EAF, namely: sustainable development and integrated planning, conservation and sustainable use of biological diversity, prevention and precaution in environmental protection, public participation in decision-making, and decentralised environmental-related decisions and management of natural resources, cooperation between the State, local groups, associations, governmental and non-governmental organisations and citizens, and the sub-regional and international cooperation (Article L4). This Code requires an EIA prior to the development of projects or activities likely to harm the environment, as well as policies, plans, programmes, regional and sectoral studies (Article L48). Public hearings are part of the EIA proceedings (Article L52) with the participation of people as part of a democratizing process of decision-making and the guarantee of decentralisation and regionalisation (Article L53). The administrative procedure for the assessment and review of EIA and the conditions for carrying out public hearings are to be established by regulations (Article L54).

The Environmental Code also contains several provisions on environmental protection against pollution, of which those against water pollution are particularly relevant for an EAF. For instance, it prohibits all spills, discharges, discharges, direct or indirect deposits of any kind

that are likely to cause or increase pollution of continental waters and/or sea territorial waters (Article L63). This Code also details the criminal and administrative offences and respective penalties, taking into account in some cases recidivism under which the penalty amount is doubled (e.g. Article L98). This provision also addresses joint responsibility of the owner or operator and the captain of the vessel when the latter is guilty of discharge of hydrocarbons or other liquid substances harmful to the marine environment, violating applicable international rules.

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

The other sectors secondary legislation assessed corresponds to E1 to E6 in Appendix A.

The *Décret N° 2001–282 portant application du Code de l’environnement* [Decree No. 2001–282 implementing the Environmental Code] provides more details on the EIA-related proceedings, outlining the aspects that are considered within 'environmental impact' such as the effects on the wellbeing of populations, the environment and ecosystems, including wildlife and flora, the aspects connected with the reallocation of people, archaeological sites, landscapes, monuments, social incidents, upstream, downstream and transboundary effects (Article R39).

There are four regulations on EIA, which provide additional details that are relevant for the associated EAF requirements. The terms of reference of an EIA is provided by the *Arrêté ministériel 9471 MJEHP-DEEC/2001* [Ministerial Order No. 9471 MJEHP-DEEC/2001]. The rules for carrying out the EIA and the conditions to be met for the adoption of such rules are regulated by the *Arrêté ministériel n° 9470 MJEHP-DEEC/2001* [Ministerial Order No. 9470 MJEHP-DEEC/2001]. The content of an EIA is outlined by the *Arrêté ministériel 9472/2001* [Ministerial Order No. 9472/2001], while the procedures for public participation is provided by the *Arrêté ministériel n° 9468/2001* [Ministerial Order No. 9468/2001]. The latter specifies, for instance, the obligation of the competent technical committee to make the EIA report available to the public for ten days, during which any interested person can provide written observations and comments (Article 5). A public hearing is held after fifteen days following the validation of the EIA report by the internal administration, and the competent prosecutor is required to incorporate the public concerns and submit an updated report based on such hearing (Articles 7 and 8).

## 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 Senegal 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, **58** EAF legal requirements were found in Senegal'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, **24** EAF legal requirements remain to be incorporated in the policy and legal frameworks of Senegal.

The results from this Report indicate that the assessed policy and legal instruments of Senegal have a medium level of alignment with an EAF. Although both Senegal's Fisheries Code and its main regulation have been recently enacted, respectively in 2015 and 2016, they lack important provisions on mechanisms for managing conflict between users and stakeholders over fisheries resources and ecosystems, as well as the associated periodic review of conflict management processes, as required under EAF Component 7. Another limited requirement concerns transparent process for periodic monitoring and review of managed aquatic ecosystems and of integrated management plans provided under EAF Component 8.

The assessed fisheries policy and legal instruments do not include catch and output controls, procedures for effort controls, and stakeholder consultation in the process of defining spatial and temporal control, as required under EAF Component 9. Such stakeholder involvement and participation is also not sufficiently provided in the process of drafting, adopting, monitoring and reviewing the FMP, provided under EAF Component 10.

With regard to MCSE of particular relevance to the fisheries sector, the assessed policy and legal instruments do not require the alignment of the observer scheme with regional observer programmes, nor controls of landing and transshipping, as required under EAF Component 11. There is also a need to adopt the regulation with the VMS specifications and to strengthen the inter-agency cooperation mechanisms with regard to registration of fishing vessels.

Provisions on fisheries research and monitoring were only found in the fisheries policies. It is therefore recommended that the EAF legal requirements under EAF Component 13 are incorporated in the fisheries legislation.

Gaps were also found with respect to the establishment of mechanisms for designating and protection of threatened and endangered species as well as to the prevention and elimination of ghost fishing and with regard to authorisation prior to planned introduction of species, and regulation of marine extractive activities, all of which fall under EAF Component 15.

As in the majority of the jurisdictions, some EAF legal requirements are specifically covered by other sectors' primary and secondary legislation, such as the EIA required by EAF Component 16 regarding which gaps were also found namely with respect to the detail components of the EIA and EIS and the processes for their submission, review and decision making.

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

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

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

The policy and legal instruments of Senegal, assessed in this Report, incorporate **58** 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 Senegal 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: “conflict management”, “fisheries management”, “conservation measures”, “fishery monitoring and research”, and “MCSE” could benefit from a detailed review and update in the relevant policy and legal instruments.

The review and update with respect to “fisheries management” and “MCSE” could be led by fisheries whereas others, such as “conflict management”, “fishery monitoring and research” and “conservation measures”, would require a more active involvement of other sectors in the review of their transversal relevant provisions. It is unclear whether the process for enforcement of fisheries offences are exclusively administrative. No right of appeal to court was found in the assessed fisheries legislation.

It is recommended that the gaps identified in this preliminary assessment are incorporated in the amendment or adoption of new policy and legal instruments of Senegal.

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.

### **3.4 Main recommendations from CFI relevant for the ecosystem approach to fisheries**

The CFI report (see subsection 1.3) concludes that the policy and legal instruments assessed in Senegal do not sufficiently promote the monitoring and review of management measures as required under EAF Component 17. Another limitation identified is the lack of alignment with Component 9 of the EAF, with respect to the detailed regulation of Total Allowable Catches (TACs).

With regard to institutional arrangements, the report concludes that the legal requirements relating to the establishment of transparent and accessible mechanisms of bodies or procedures are not sufficiently fulfilled and that, those relating to MCS, fisheries research, organization and communication as well as the frequency of meetings are not found, including the right to comment on decisions or actions proposed in a meeting or in writing within a sufficiently reasonable time. Additional improvements are recommended in the policy and legal frameworks on catch and effort controls and on an ecosystem research program.

The report also highlights the insufficient regulation of recreational activities and the lack of regulation of artisanal fishing permits and management of mangrove ecosystems. On the other hand it highlights the insufficient coverage of fisheries in the legislation and policies of other sectors that have an impact on fisheries (mines, oil, merchant shipping, etc.).

The adoption of subsidiary legislation or regulation to the Marine Fisheries Code of 2015 is recommended on *inter alia*: scientific and technical research by vessels operating in waters under Senegalese jurisdiction in accordance with the procedures in force; promotion of scientific research based on the EAF and integrate the latter into the program of the Dakar Thiaroye Oceanographic Research Center; fishing-related activities, in particular transshipment and collection of fishery products; highly migratory species targeted by sport fishing and subject to conservation and management measures adopted by the relevant international organizations; models of fishing licenses and specification of terms and conditions, including on the TACs.

It is important to read the recommendations of the CFI report in conjunction with the considerations made in the present report.

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

Identification	Instruments of SENEGAL
<b>A</b>	<b>Fisheries Policies</b>
<b>A1</b>	Lettre politique du secteur de l'environnement et du développement durable 2021–2025
<b>A2</b>	Plan national d'adaptation du secteur de la pêche et de l'aquaculture face au changement climatique Horizon 2035 de 2016
<b>A3</b>	Lettre de politique sectorielle de développement pour le secteur de l'eau, l'assainissement (incluant la Gestion intégrée des ressources en eau) 2016–2025
<b>A4</b>	Lettre de politique sectorielle de développement de la pêche et de l'aquaculture 2016–2023
<b>A5</b>	Stratégie nationale et Plan national d'actions pour la biodiversité de 2015
<b>B</b>	<b>Fisheries Primary Legislation</b>
<b>B1</b>	Loi n° 2015–18 portant Code de la pêche maritime
<b>B2</b>	Loi n° 1963–40 règlementant la pêche dans les eaux continentales
<b>C</b>	<b>Fisheries Secondary Legislation</b>
<b>c1</b>	Arrêté n° 03564 du 02 mars 2017 portant création et fixant les conditions d'utilisation du journal de pêche apporte un certain nombre d'information sur les journaux de pêche papier ou électronique
<b>c2</b>	Arrêté ministériel n° 19126/2016 fixant les conditions d'installation et d'utilisation du journal de pêche électronique dans les navires crevettiers profonds
<b>c3</b>	Arrêté ministériel n° 18456/2016 fixant les conditions d'usage des erses de renfort des chaluts des navires de pêche industrielle autorisés à pêcher dans les eaux sous juridiction sénégalaise
<b>c4</b>	Décret n° 2016-1804 de 2016 portant application du Code de la pêche maritime
<b>c5</b>	Arrêté ministériel n° 5308/2015 abrogeant et remplaçant l'arrêté n° 5916/2005 portant instauration d'un permis de pêche artisanale
<b>c6</b>	Décret n°2013–246 portant approbation du Plan d'aménagement de la pêcherie de crevettes profondes
<b>c7</b>	Arrêté ministériel n°6397/2012 portant gel de l'immatriculation des embarcations de pêche artisanale maritime
<b>c8</b>	Arrêté ministériel n°12439/2011 portant création, organisation et fonctionnement de conseils locaux de Pêche artisanale maritime
<b>c9</b>	Arrêté ministériel n°9077/2010 portant création, organisation et fonctionnement de conseils locaux de Pêche artisanale maritime
<b>c10</b>	Arrêté ministériel n°2467/2006 portant organisation et fonctionnement de la Direction des pêches maritimes et de la surveillance des pêches
<b>c11</b>	Arrêté ministériel n°853/2005 portant création, organisation et fonctionnement du registre national des navires de pêche
<b>c12</b>	Arrêté ministériel n°1008/1999 fixant les modalités d'embarquement des observateurs à bord des navires sénégalais
<b>c13</b>	Arrêté n° 9248/1992 fixant les conditions techniques applicables à bord des navires de pêche à l'exclusion des navires de pêche artisanale
<b>D</b>	<b>Other Sector's Primary Legislation</b>
<b>D1</b>	Loi n° 2002–22 portant Code de la marine marchande
<b>D2</b>	Loi n° 2001–01 portant Code de l'environnement

<b>D3</b>	Loi n° 1986–04 portant Code de la chasse et de la protection de la faune
<b>D4</b>	Loi n° 2002–22 portant Code de la marine marchande
<b>E</b>	Other Sector's Secondary Legislation
<b>E1</b>	Arrêté n° 8998/2008 portant création d'une Commission nationale du développement durable
<b>E2</b>	Décret n° 2001–282 de 2016 portant application du Code de l'environnement
<b>E3</b>	Arrêté ministériel n° 9472 MJEHP-DEEC/2001 portant contenu du rapport de l'étude d'impact environnemental
<b>E4</b>	Arrêté ministériel n° 9471 MJEHP-DEEC/2001 portant contenu des termes de références des études d'impact environnemental
<b>E5</b>	Arrêté ministériel n° 9470 MJEHP-DEEC/2001 fixant les conditions de délivrance de l'Agrément pour l'exercice des activités relatives aux études d'impact sur l'environnement
<b>E6</b>	Arrêté ministériel n° 9468/2001 MJEHP-DEEC portant réglementation de la participation du public à l'étude d'impact environnemental

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.	✓	✓	✓	✓	✓	(A4) Sections 1–2 (B1) Articles 1–2 (C4) Article 1 (D2) Article L1 (E1) Article 1	
	<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.	✓	∅	•*	∅	•	(A6) Chapter 4(4.3) (B1) Article 4 (D2) Article L4	Provision in (B1) is limited to apply the precautionary approach in fisheries management.  Provision in (D2) does not define the precautionary approach.
	3.	– Broaden stakeholder participation with integration of lower level authorities and bodies.	✓	✓	•*	✓	•	(A2) Sections 4.2.2 (A4) Chapter III.4 (A6) Chapters 3(3.2..2) and 4(4.1) (B1) Articles 5 and 6	

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							(D2) Article L4		
	4.	– Ensure the right of access to fair and transparent information.	✓	X	●*	✓	✓	(A5) Annex 3 (D2) Article L2(22) (E6) Articles 1–4	
	5.	– Promote institutional coordination, cooperation and integration.	✓	∅	●*	✓	●	(A4) Section 4.2 (B1) Articles 25 and 83 (D2) Article L4	Provision in (B1) is limited to international cooperation and to coordination in MCS context.
	6.	– Maintain ecological relationships among harvested, dependent and associated species.	X	X	X*	X	X		
	7.	– Promote sustainable development and avoid overexploitation of marine living resources.	✓	✓	●*	∅	●	(A4) Section 3.4.2.1 (A6) Chapter 3(3.1) (B1) Article 4 (D2) Articles L3 and L4	Provision in (D2) provide for the sustainable development but do not address the overexploitation of marine living resources in particular.
	8.	– Preserve marine habitat, conserve and restore marine living resources and biodiversity.	✓	∅	●*	✓	●	(A5) Chapter 7(7.2) (A6) Chapter 3(3.1) (B1) Article 17 (D2) Article L4	Provision in (B1) establishes that the measures for protection of resources and marine biodiversity are subject of inter-ministerial order.

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
9.	– Promote ecosystem well-being, including the human biotic and abiotic components.	✓	✓	●*	●*	●*	(A4) Section 3 (A5) Chapter 7(7.2.4) (A6) Chapter 4(4.2) (B1) Article 13(a)	
10.	– Promote adaptive management measures, including their regular monitoring and review.	✓	X	●*	●*	●*	(A6) Chapter 4(4.6)	
11.	– Harmonize management measures, including those for shared resources.	✓	✓	●*	●*	●*	(A6) Chapter 3(3.2.2) (B1) Article 25(b)	
12.	– Reduce and manage conflict between users and stakeholders over fisheries resources and ecosystems.	X	X	X*	●*	●*		
13.	– Consider socioeconomic contexts (e.g. employment, livelihoods, equity, poverty, gender) when designing and implementing management measures.	✓	✓	●*	●*	●*	(A2) Section 4.4.3 (A4) Section 3.4.1 (A4) Chapter 3(3.2(2)) (B1) Articles 13 and 24	
14.	– Promote management measures, designate the authority and outline the timeline and process for their monitoring and review.	✓	X	●*	●*	●*	(A4) Chapter III.3	
15.	– Provide for the establishment of MCSE measures.	✓	✓	●*	●*	●*	(A4) Section 2.2.1.2 (B1) Articles 83–86	
16.	– Promote ecosystem-based research plans/priorities, designate the authority and outline the timeline and process for their monitoring and review.	✓	X	●*	●*	●*	(A4) Section 3.4.2.1 (A5) Chapter 7(7.2.2) (A6) Chapter 3(3.2.3)	
17.	– Promote the right of access to education and awareness raising on EAF.	✓	X	●*	✓*	●*	(A5) Annex 3 (D2) Article L7	



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>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.	✓	✓	X	●*	●*	(A5) Chapter 7(7.2.5) (A6) Chapter 4(4.2) (B1) Article 16	
		(b) overlapped closely and are harmonized with well-established management boundaries and governance structures.	✓	X	X	●*	●*	(A5) Chapter 7(7.2.5) (A6) Chapter 3(3.2.2)	
C.4 Stakeholder participation	19.	– Promote states cooperation on the harmonization of management measures and plans (bilaterally, regionally and internationally).	✓	✓	✓	✓*	●*	(A4) Section 3 (B1) Article 25 (C4) Article 3 (D2) Article L4	
C.5 Coordination, cooperation and integration	20.	– Establish transparent and accessible mechanisms, bodies (including lower level authorities) or processes to: (a) support well-established management boundaries and governance structures on the basis of ecosystem considerations.	✓	∅	X	●*	●*	(A6) Chapter 4(4.1) (B1) Article 16	Provision in (B1) lacks detail on the associated mechanisms, bodies and processes.
C.7 Conflict management		(b) outline conservation and management measures, including FMPs, at local and national levels.	∅	∅	✓	●*	●*	(A2) Section 5.1 (B1) Article 13 (C4) Articles 11–13	Provision in (B1) lacks detail on the associated mechanisms, bodies and processes.
C.8 Integrated management of aquatic ecosystems		(c) facilitate coordination, cooperation and integration of management decisions, regulatory action, environmental policies, plans and programs.	✓	X	X	●*	●*	(A6) Chapter 3(3.2.2)	
		(d) monitor, assess and align the various environmental policies and plans.	✓	X	X	●*	●*	(A5) Chapter 7(7.2.6)	

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
	(e) manage conflict over fisheries, relevant resource and ecosystem, including parameters for decision-making and resolving the conflict.	X	X	✓	●*	●*	(c4) Article 6	
	(f) ensure integrated management of aquatic ecosystems (e.g. integrated coastal zone) based on ecosystem delimitations.	∅	X	X	●*	●*	(A2) Section 5	Reference in (A2) addresses integrated coastal management but does not detail the associated mechanisms.
	(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	●*	●*		
	(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	●*	●*		
	(i) ensure periodic reviews of conflict management processes.	X	X	X	●*	●*		
21.	– Clearly outline powers, roles and responsibilities of all bodies, designated authorities, their relationships and processes, avoiding overlapping and conflicting mandates.	✓	✓	✓	●*	●*	(A2) Section 1.3 and Figure 25 (A4) Annex (A5) Page 45 (B1) Articles 5, 6, 22 and 23 (C4) Articles 3-8, 11 and 67	
22.	– Outline mandates for the government institutions to: (a) coordinate efforts, cooperate and integrate approaches, from the local to the national levels.	✓	∅	✓	✓	●	(A4) Section 5.2.2 (A5) Page 45 (B1) Articles 22 and 23 (C4) Articles 3, 6, 7	Provision in (B1) lacks coordination and cooperation between 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		
							(D2) Articles L5 and L6	different levels of governance.
	(b) coordinate, cooperate and integrate the regional and international processes and arrangements.	✓	✓	✓	✓	●	(A4) Section 5.2.2 (B1) Article 25 (C4) Article 3 (D1) Article 440	
	(c) allocate financial, human and material resources to ensure the integration of lower level authorities	✓	X	X	X	X	(A4) Section 3.4.2.3	
	<b>Stakeholder participation, coordination, cooperation and integration</b>							
C.4 Stakeholder participation C.5 Coordination, cooperation and integration C.6 Integration of lower level authorities, bodies and stakeholders	23. – Ensure bodies established are broadly representative (from industry, the artisanal sector, academia, civil society and local communities) and processes allow for stakeholder and institutional participation and coordination, engaging and integrating lower level authorities or bodies when resources are affected at local level.	∅	✓	✓	X	✓	(A2) Sections 5.1 and 7.2 (A6) Chapter 4(4.1) (B1) Articles 5, 6, 22, 23 (C4) Articles 4, 6, 7, 11 and 67 (C9) Entire regulation (E1) Article 3	Reference in (A2) calls upon local communities, civil society and the private sector for its implementation and promotes the local councils of artisanal fishing as local authority for fisheries governance and management.  Reference in (A6) is limited to the context of MPAs.

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
C.8 Integrated management of aquatic ecosystems	24.	– Establish and properly publicize public meetings or hearings.	X	X	X	✓	✓	(D2) Articles L52–L54 (E6) Articles 6-8	Provisions in (D2) establishes the general principle but leaves the conditions for carrying out public hearings to the regulation. These conditions are provided in E6.
	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	✓	✓	(D2) Articles L52–L54 (E6) Articles 5–7	Provisions in (D2) establishes the general principle but leaves the conditions for carrying out public hearings to the regulation. These conditions are provided in E6.
	26.	– Promote international cooperation for effective integrated management of aquatic ecosystems.	✓	✓	✓	✓	X	(A4) Section 5.2.2 (B1) Article 25 (C4) Article 3 (D2) Article L4	
		<b>Fisheries management</b> <i>Catch/output controls</i>							
C.9 Controls on fishing operations	27.	– Establish limits on the amount of fish that may be removed from a fishery in a given period of time (e.g. TAC), restrict the number of fish that may be landed in a day (e.g. bag limit) or place limits on the amount of acceptable bycatch and/or	X	X	X	N/A	N/A		

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
C.10 Fishery management plans C.17 Monitoring and review		discards from a fishery – all based on scientific data and maximum sustainable yield and the precautionary principle.							
	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 33(j)	Provision in (b1) leaves output controls to regulation.
	29.	– Ensure procedure for TACs outlines the category of vessels to which the TAC applies; period of time for which the TAC is declared; process for sub-dividing the TAC into individual quotas; timeline, authority and participatory process for periodic monitoring and review.	X	X	X	N/A	N/A		
	30.	– Coordinate the TACs for shared stocks or highly migratory species with international or regional management measures.	X	X	X*	N/A	N/A		
	31.	– Monitor the catch in real-time and close a fishery when the TAC is reached.	X	X	X*	N/A	N/A		
	32.	– Attach catch controls to licenses and access agreements, including authority responsible for allocating, issuing and regulating quotas, and the procedure to be followed.	X	∅	X*	N/A	N/A	(b1) Article 33(j)	Provision in (b1) leaves output controls to regulation.
	33.	– Outline the ability to institute additional catch controls (e.g. bag limits for recreational fishing), including the authority responsible for allocating, issuing and regulating quotas, and the procedure to be followed.	X	∅	X*	N/A	N/A	(b1) Article 33(j)	Provision in (b1) leaves output controls to regulation.
	<b>Effort/input controls</b>								
C.9 Controls on fishing operations C.10	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	✓	✓	✓*	N/A	N/A	(A4) Section 3.4.2.1 (b1) Articles 34–64 (c4) Articles 11–22 (c5) Entire regulation	

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
Fishery management plans C.17 Monitoring and review		permit suspension and revocation of the license for non-compliance.							
	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 34–64 (c4) Articles 16, 18, 20	
	36.	– Outline process for establishing provisions for effort controls (e.g. limitation on vessel capacity, on expansion of fishing fleet, on allowable days spent at sea).	X	∅	X*	N/A	N/A	(b1) Article 13(c)	Reference in (A4) addresses fishing capacity and a fishing capacity plan but does not detail the process.  Provision in (b1) foresees the establishment of the allowable volume of catches or the level of optimal fishing effort in the FMPs.
	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	(c4) Articles 17, 45–51	
	38.	– Empower the designated authority to establish additional regulations for licensing.	X*	✓	✓*	N/A	N/A	(b1) Article 33(a)(b)(c) (c4) Article 18	
	39.	– Empower authority to regulate effort controls and respective parameters.	X*	∅	∅*	N/A	N/A	(b1) Article 13(c) (c4) Article 10	Provision in (b1) foresees the establishment of the allowable volume of catches or the level of

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
									optimal fishing effort in the FMPs. Provision in (c4) empowers the Ministry in charge of fisheries to prohibit fishing activities if the fishing vessel had been constructed, bought or transformed without prior authorization.
	<b>Fishing gear and method controls</b>								
C.9 Controls on fishing operations C.10 Fishery management plans C.17 Monitoring and review	40.	– Establish requirements on fishing gear and methods that are permitted for use within a given fishery or area, including related technical specifications (e.g. general prohibitions on types of gear, methods, specifications on gear design, minimum mesh sizes).	X	∅	✓	N/A	N/A	(b1) Article 33(h) (c4) Articles 24, 26-35	Provision in (b1) leaves requirements on fishing gears to regulation.
	41.	– Outline prohibitions on highly destructive gear and fishing methods (e.g. fishing by toxic substance, explosives, electricity, fishing with the use of light).	X	✓	✓*	N/A	N/A	(b1) Articles 65 and 66 (c4) Article 37	
	42.	– Outline requirements aimed at reducing negative impacts of fishing methods and gear (e.g. prohibition of trawling in areas with sensitive seabed habitat, require use of biodegradable nets, restrict the use of FADs or require use of bycatch reduction devices).	X	∅	✓	N/A	N/A	(b1) Article 20 (c3) Entire regulation (c4) Articles 25, 36, 52-54 (c13) Entire regulation	Provision in (b1) is limited to address fish aggregating devices

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><i>Spatial and temporal controls</i></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).	X	X	✓*	N/A	N/A	(c4) Articles 43 and 44	
	44.	– Empower authority to define spatial and temporal controls and the procedure.	X	∅	✓*	N/A	N/A	(b1) Article 33(h) (c4) Articles 23 and 42	Provision in (b1) leaves spatial controls to regulation.
	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*	∅*	✓	N/A	N/A	(b1) Article 33(h) (c4) Articles 39–41	Provision in (b1) leaves spatial controls to regulation.
	<b><i>Fishery management plans</i></b>								
C.9 Controls on fishing operations	47.	– Designate authority with power and responsibility to develop, approve, adopt and publicize a FMP, clearly outlining the roles and responsibilities.	✓	✓	∅*	N/A	N/A	(A4) Annex (A5) Page 25 (b1) Article 13 (c6) Entire regulation	(c6) approves the FMP for deep-sea shrimp fishery
C.10 Fishery management plans	48.	– Ensure FMPs and measures comply with established integrated management plans for aquatic ecosystems involving e.g. protected areas or critical habitat.	X	✓	X	●*	●*	(b1) Article 13	
C.17	49.	– Establish process for approval, adoption and publication of FMP with its periodic review.	X	✓	●*	N/A	N/A	(b1) Article 13	



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	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	(A4) Section 3.4.2.1 and Annex	
	51.	– List the minimum requirements in the FMPs:	X	✓	●*	N/A	N/A	(B1) Articles 14 and 18	
		(a) management objectives that take into account EAF;	X	✓	●*	N/A	N/A	(B1) Article 13(a)	
		(b) biological description of fishery and ecosystem in which it takes place;	X	✓	●*	N/A	N/A	(B1) Article 13(a)	
		(c) social, economic and institutional aspects of the fishery;	X	✓	●*	N/A	N/A		
		(d) species composition and levels of bycatch, both retained and discarded;	X	X	X*	N/A	N/A		
		(e) ecological relationships between harvested, dependent and associated species;	X	X	X*	N/A	N/A		
		(f) impact of other anthropogenic activities on the ecosystem; and	X	X	X*	N/A	N/A		
(g) a review of the relationship with other coastal or marine resource management plans.	X	X	X*	N/A	N/A				
	<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.	✓	✓	●*	●*	●	(A4) Section 3.4.2.1 (B1) Articles 17 and 18	
	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	X	✓	✓*	●*	●	(B1) Article 67 (C4) Article 38	

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
	protections and regional and international conservation and management measures.							
54.	– Ensure coordination between the various authorities involved in marine environment protection.	✓	✓	●*	●*	●	(A5) Chapter 4(4.2) (A6) Chapter 4(4.1) (B1) Articles 25 and 83	
55.	– Establish mechanisms and designation of authority responsible for establishing: (a) designation and protection of threatened and endangered species, ensuring cooperation among the authorities throughout the listing process, definition and qualifying factors of each designation, process for listing, including steps for consultation and the special protections associated with the designations.	∅	X	X*	X*	X	(A5) Page 53	Reference in (A5) concerns the development of strategies to protect species and genetic resources.
	(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	(A6) Entire policy (B1) Articles 16 and 19	Provision in (B1) does not outline the process for the Ministry in charge of fisheries to create the MPAs.
	(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	(A5) Chapter 7(7.2.4)	
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	(A5) Annex 3 (D2) Article L7	Provision in (D2) do not address the funding to support educational activities.

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

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

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
C.15 Regulation of activities potentially harmful to aquatic ecosystems	57.	– Adopt measures to:  (a) regulate and reduce pollution of the aquatic ecosystems which should apply to all activities that might have an impact (including fishing, mining, shipping, etc.) and cover all types of pollution including bycatch, discharge of waste, vessel emissions, coastal runoff.	✓	X	X	✓	X	(A5) Chapter 7(7.2.4) (D2) Articles L59-L69	
		(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	(A2) Chapter 5.1.5 (A4) Section 3.4.2.1	
		(c) prevent and eliminate ghost fishing with the prohibition of the abandonment of fishing gear, notification of authorities when fishing gear is lost, regulation of materials used in the manufacture of gear.	X	X	X	X	X		
	58.	– Require authorization prior to the planned introduction of any species, including species meant for aquaculture or fish stocking, taking into account the precautionary approach, and establish measures to prevent the escape of exotic species into the wild.	X	X	X	X	X		
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	✓	✓	(D2) Article L48 (E2) Articles R38-R40	

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		
	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*	✓	✓	(D2) Article L51 (E3) Entire regulation (E4) Entire regulation	Provision in (D2) leaves the detail components of an EIA to regulation.
	62.	– Establish process for submission, review and decision-making on the EIS or EIA, with designation of authority responsible for receiving, reviewing and deciding upon the EIS or EIA (e.g. the minister responsible for environment), opportunity for public participation (e.g. comment periods and hearings), consultation with other relevant government institutions or localities, and determination of adequate mitigation measures.	X	X*	X*	✓	✓	(D2) Articles L48-54 (E5) Entire regulation (E6) Entire regulation	Provisions in (D2) generally establish the process.
		<b>Fishery monitoring and research</b>							
C.13 EAF research	63.	– Establish research programme for furthering the knowledge and understanding of EAF.	✓	X	X*	X	X*	(A5) Pages 50-51 (A4) Sections 3.4.2.1 and 3.4.2.3	
	64.	– Designate authority for conducting and involving stakeholders in the research programme.	✓	X	X*	X	X*	(A4) Annex	
	65.	– Ensure the research programme’s objectives are based on EAF principles, which may include research on inter-species interactions, the impact of fishing on target and non-target stocks, the identification of spawning and nursery areas, areas of critical habitat, rates of bycatch and discards per fishery, the incidence and effect of pollution on fisheries, the status of ecosystem biodiversity, the social and economic dimensions (such as employment, food security), income distribution and other considerations.	X	X	X*	X	X*		
	66.	– Consider the findings of the EAF research in the adoption of conservation and management measures.	✓	✓	X*	X	X*	(A4) Section 3.4.2.1 (B1) Articles 15, 16 and 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		
		MCSE							
C.11 MCSE	67.	– Outline an observer scheme with details on the categories of vessels/fisheries that it applies to and the role that observers play (which may be tailored to the category of vessel or the type of fishery and may be limited to the collection of catch/effort data and the collection of scientific samples, or may include the authority to register and/or report violation of management measures).	X	∅	✓	N/A	N/A	(b1) Articles 72 and 127 (k) (c4) Articles 59–66 (c12) Entire regulation	Provision in (b1) requires at least one observer on board foreign industrial fishing vessels authorized to operate in areas under Senegalese’s jurisdiction. The same requirement may be provided for fishing vessels flying the Senegalese flag, for scientific and control reasons, and in the terms to be specified by Order of the Minister which may exempt vessels with less than 50 GT. Failure to have observer on board when required by the Law or the regulations is a serious offences.
	68.	– Ensure observers have full access to all parts of the vessel and its equipment and to any place in the country where fish that have been caught in national waters are uploaded, processed, stored or transshipped.	X	∅	✓	N/A	N/A	(b1) Article 33(f) (c4) Articles 61–66	Provision in (b1) leaves requirements on the rights and obligations of

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
									observers, the modalities of embarking and the conditions for the exercise of their activity to be regulated.
	69.	– Design the scheme in line with regional or international requirements, taking into account relevant regional observer programs.	X	X	X	N/A	N/A		
	70.	– Ensure VMS is required for vessels licensed to fish in national waters and ABNJ, detailing specific categories of fishing vessels and/or fisheries to which it applies.	X	∅	X	N/A	N/A	(b1) Articles 28(i) and 33(e)	Provisions in (b1) are limited to access agreement and leave to regulation further requirements on the installation of the VMS.
	71.	– Ensure reporting of catch and effort data, clearly identifying the vessels that are expected to report (at least all commercial fishing vessels that fish within national waters and all nationally-flagged vessels authorized to fish within waters under national jurisdiction and in ABNJ), to whom they are required to report (the designated authority), the frequency and timing of their reports, and the method or format in which they are required to report (e.g. weight of fish caught, including percentage of bycatch, species, dates of fishing, fishing zones, gear/methods employed, type of vessel, time of departure from national waters and catch status at that time).	X	∅	✓	N/A	N/A	(b1) Articles 70 and 127 (g) (c1) Entire Regulation (c4) Article 55	Provisions in (b1) are limited to industrial fishing vessels and require the fishing logbook to contain data on catches, statistics and other information under the conditions to be prescribed by decree of the Minister responsible for fisheries. Failure 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		
								comply with such obligation is a very serious offence.
72.	– Ensure the establishment and maintenance of a record of fishing vessels licensed to fish in waters under national jurisdiction and nationally flagged vessels authorised to fish in ABNJ with the designation of the authority responsible for its maintenance and information to be recorded for each category of vessel.	X	✓	✓	N/A	N/A	(b1) Articles 31 and 32 (c7) and (c11) Entire regulations	
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	∅	∅	N/A	N/A	(b1) Article 31 (c7) Articles 5 and 6	Provisions in (b1) are very broad and do not provide for this detailed information. Provisions in (c6) do not specify the information required to be registered.
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	∅	✓	N/A	N/A	(b1) Articles 31 and 32 (c7) and (c11) Entire regulations	Provisions in (b1) are very broad and do not provide for this detailed information in the national registry of industrial and artisanal fishing vessels respectively.

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 68 and 69 (c4) Articles 56–58	Provision in (b1) is limited to generally requiring the marking of artisanal and industrial fishing vessels.  Provisions in (c3) are limited to the marking of the fishing vessel.
76.	– Ensure cooperation and coordination between fisheries and maritime authorities throughout the registration process.		X	X	∅	N/A	N/A	(c11) Article 9	Provision in (c11) requires that the information contained in the register is reserved for the exclusive use of the competent structures of the Ministry responsible for maritime fishing and allows it to be used within the framework of sub-regional cooperation actions. However, it does not require inter-agency cooperation between fisheries and maritime authorities.



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		
	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 84 and 85	
	78.	– Ensure the controls placed on landing and transshipping of fish, both at sea and in port, and by national and foreign vessels, is in accordance with regional and international instruments.	X	∅	X	N/A	N/A	(b1) Articles 54, 74–77	Provisions in (b1) lack references to international standards.
	79.	– Provide additional VMS specifications and specific details on the registration process.	X*	X	X	N/A	N/A		
	<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 122–137 (p2) Articles L86–L101	
	81.	– Establish transparent and equitable administrative processes for determining and confirming offences, applying relevant penalties, with provision for compounding of offences/out-of-court settlement.	X	✓	●	✓	X	(b1) Articles 89–117 (p2) Articles L102–L106	
	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	✓	●	●	●	(b1) Articles 96, 97, 109, 118–121	



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 Senegal. 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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