

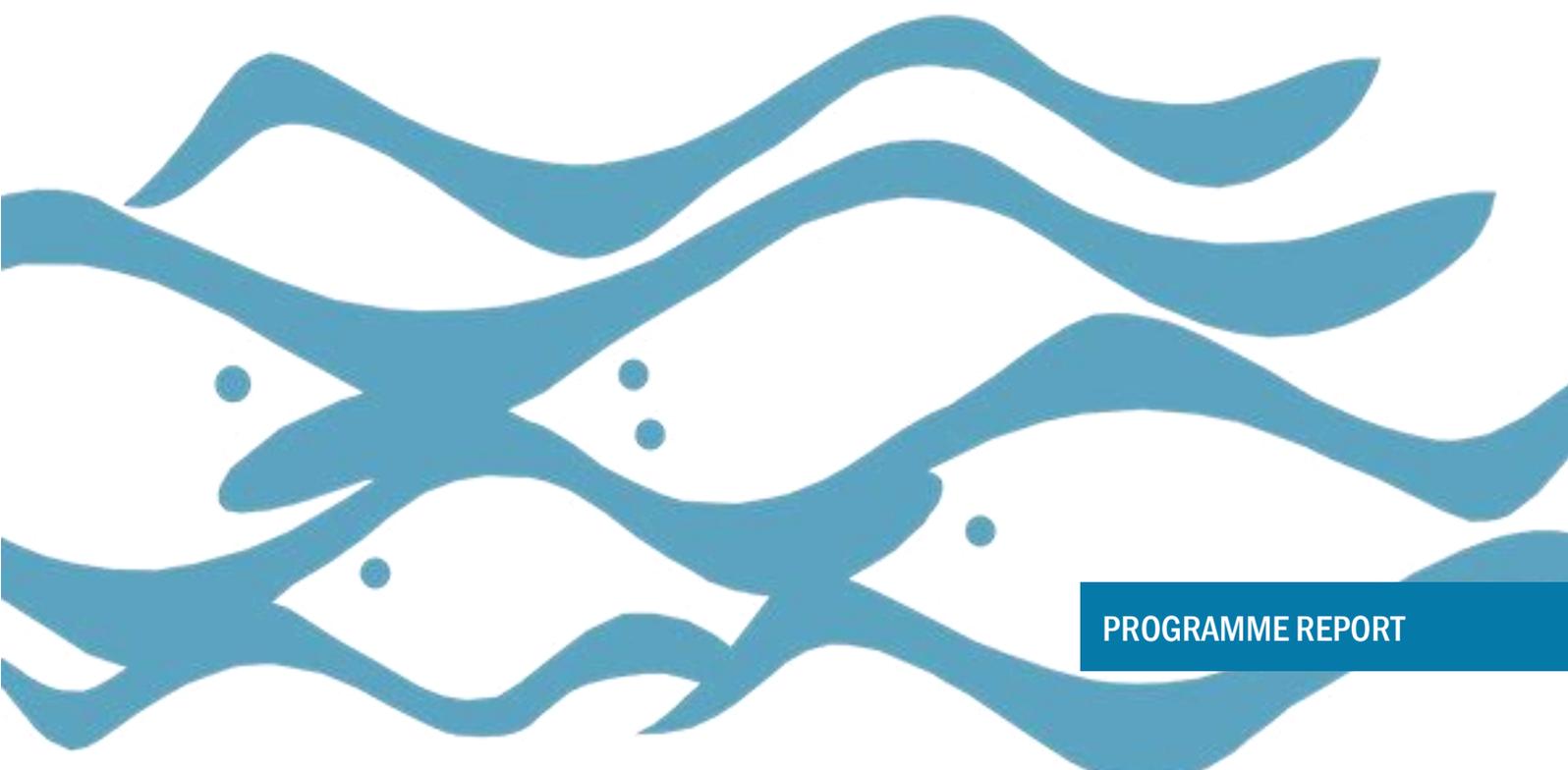


Food and Agriculture
Organization of the
United Nations

Legal report on the ecosystem approach to fisheries in Angola

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

FAO EAF-Nansen Programme Report No. 49
EAF-N/PR/49 (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.

A new state of the art research vessel, the *Dr Fridtjof Nansen*, is an integral part of the Programme. A comprehensive science plan, covering a broad selection of research areas, and directed at producing knowledge for informing policy and management decisions, guides the Programme’s scientific work.

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

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By Julia N. Nakamura and Teresa Amador

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Programme report

Required citation:

Nakamura, J.N. & Amador, T. 2022. *Legal report on the ecosystem approach to fisheries in Angola – An analysis of the ecosystem approach to fisheries in selected national policy and legal instruments of Angola*. FAO EAF-Nansen Programme Report No. 49. Rome, FAO. <https://doi.org/10.4060/cc2010en>

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ISBN 978-92-5-136873-2

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Abstract

The present legal report on the EAF used the diagnostic tool to assess the alignment of selected policy and legal instruments of Angola with the EAF. This assessment analysed the extent to which 82 EAF legal requirements are reflected in Angola' policies and legislation relevant to the country's fisheries sector and other sectors that interact with fisheries (such as environment, wildlife and ecosystems, maritime). Based on this preliminary diagnosis, gaps were identified in the assessed instruments, and recommendations on specific areas that need further improvement.

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 the EAF is being implemented through national policy and legal frameworks, FAO developed [*A diagnostic tool for implementing an ecosystem approach to fisheries through national policy and legal frameworks.*](#)

This report was elaborated following a participatory approach with the involvement of the national competent authorities of Angola. Drafted in July 2021, the report was submitted to the national authorities of Angola in October 2021. The Ministry of Agriculture and Fisheries of Angola endorsed this EAF Legal Report of Angola in June 2022.

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Acknowledgements

This EAF Legal Report is a product of the Development Law Service (LEGN) of FAO's Legal Office in collaboration with the Assessment and Management Team (NFIFM) of FAO's Fisheries and Aquaculture Division, and the EAF-Nansen Programme. Funding for the projects "Strengthening the Knowledge Base for and Implementing an Ecosystem Approach to Marine Fisheries in Developing Countries (EAF-Nansen GCP/INT/003/NOR)" and "Supporting the Application of the Ecosystem Approach to Fisheries Management considering Climate Change and Pollution Impacts" (EAF-Nansen GCP/GLO/690/NOR) has been provided by the Norwegian Agency for Development Cooperation (Norad). FAO is grateful to Norad for this assistance.

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

We are also grateful to the delegates of Angola for their participation in the *Fifth Online regional workshop on the use of the Diagnostic Tool on Implementing an EAF through policy and legal frameworks* (26–29 April 2021), and for providing additional information relevant to the present assessment.

Abbreviations and acronyms

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

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

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

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

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

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

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

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

In light of these considerations, Table 1 below provides the present status of Angola 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 Angola in selected international legally binding instruments relevant to the EAF	
Instrument	Status
1971 Ramsar Convention on Wetlands of International Importance	Party
1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora	Party
1979 Convention on the Conservation of Migratory Species of Wild Animals	Party
1982 United Nations Convention on the Law of the Sea	Party
1992 Convention on Biological Diversity	Party
1993 Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (Compliance Agreement)	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)	Not a Party
2009 Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA)	Signed Not a Party

Note: In accordance with the information provided in the secretariats of the international conventions and agreements as of May 2022.

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

With regard to the 1995 UNFSA and the 2009 PSMA¹ to which Angola is **not yet a Party**, it is important to identify and analyse the reasons preventing the country’s consent to be bound by such instruments and raise awareness to the importance of the international fisheries governance framework. Such analysis is however beyond the scope of this report.

¹ Angola signed the PSMA on 22 November 2009, and on 11 January 2022 the Angolan Parliament adopted Resolution 2/22 approving the ratification of the PSMA. The instrument of ratification is pending deposit with the Director-General of FAO.

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

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

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

2.1 Methodology and scope

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

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

2.1.1 Selection and collection of national policy and legal instruments of Angola

The main source for the selection and collection of national policies and legal instruments was FAOLEX (FAO, n.d-b) which, besides the Constitutions of countries, provides a vast electronic repository of national policy and legal instruments on fisheries and other sectors relevant for the EAF, including on environment, sea, water, and wild species and ecosystems.²

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

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

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

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

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

2.1.3 Filling in the Ecosystem Approach to Fisheries Legal Checklist of Angola

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

Symbol	Perceived level of alignment with the EAF legal requirement	
✓	Full or sufficient	Part(s) in the assessed fisheries policy or provision(s) in the assessed legislation <u>totally incorporates</u> the EAF legal requirement.
∅	Partial or insufficient	Part(s) in the assessed policy or provision(s) in the assessed legislation <u>partially incorporates</u> the EAF legal requirement. ³

³ 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.

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

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 Angola.

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 Angola Constitution of 2010, were considered particularly relevant in incorporating the EAF legal requirements. These parts and legal provisions which, without prejudice to others that may also be relevant, were considered good examples of addressing the EAF (in the case of a policy instrument) or legislating for the EAF (in the case of a legal instrument), have been highlighted in the main findings under subsection 2.2 below as good practice in legislating for the EAF.

2.2 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 **Angola** presented under **Appendix B**.

2.2.1 Fisheries policy

The assessed ten fisheries policies correspond to A1 to A10 in Appendix A. They cover **30** of the 82 EAF legal requirements.

The main fisheries policy is the *Plano de Ordenamento de Pescas e Aquicultura (POPA) 2018–2022* [*Fisheries and Aquaculture Management Plan 2018–2022*]. It has the general objective

of promoting sustainable development of the fisheries sector at national level, contributing to, *inter alia*, generation of jobs, better quality of life, eradication of poverty, nutritional and food security (Chapter II). Its specific objectives include: supporting and fostering integrated and coordinated sustainable development of all subsections within fisheries and aquaculture, maximizing their global contributions to social and economic development whilst minimizing resources and investment loss; consolidating the fisheries management solid basis, at central and provincial levels, for participatory management; strengthening institutional and international collaboration for integrated management of shared resources (Chapter II). The inspection of the fishing activity, transversal to the entire system, is focused on the following four main points: inspection of landings; inspectors on board industrial and semi-industrial fishing vessels; satellite control of the movement of vessels (VMS) above 15 m length and surveillance at sea with dedicated inspection vessels (Page 230). The POPA fixes the fishing capacity limits for each individual fishing vessel, the limits of motor power and gross tonnage for each segment of the fishing fleet, and the total fishing capacity of the licensed fishing fleet (Pages 242–245). It also outlines temporal limits measures and spatial controls (Pages 245–247), as well as specific details on the total allowable catch (TAC) attributed to twenty marine species during the period 2017–2022 (Pages 247–248), landing requirements (Page 249). The POPA explicitly adopts the EAF, as developed and promoted by FAO, prioritizing pluri-annual FMPs based on best scientific information and participatory approach (Page 252).

The *Plano de Desenvolvimento Nacional 2018–2022: Revisto* [Revised National Development Plan] as approved by the Presidential Decree No. 313 of 2020, is founded on six strategic objectives, including: human development and wellbeing; sustainable, diversified and inclusive economic development; and strengthening of Angola’s role at regional and international levels (Page 6355–6356). It provides various programmes with respective objectives, targets, and priority actions on a range of issues. One of these programmes concerns the sustainable exploitation of aquatic living resources, whose targets include enhance the marine and inland artisanal fisheries catches (Pages 6489–6490). The related projects supported by the Government include, *inter alia*, the fishing communities and the sustainable management of aquatic living resources (Page 6490).

The *Plano Integrado de Aceleração da Agricultura e Pesca Familiar (PIAAPF) 2020–2022* [Integrated Plan for Accelerating Family-based Agriculture and Fisheries], was approved by the Presidential Decree No. 227 of 2020 with a view to mitigate the socioeconomic impacts of COVID-19 and oil dependence, promoting inclusive and sustainable economic growth, ensuring food and nutrition security and increasing national production, as well as investments in value chains (Page 4657). It has a general objective of, *inter alia*, enhancing the number of jobs, income of families, improving nutritional and food security (Page 4660). It outlines various activities with the respective financial resources, timeframe and authority responsible for implementing them (Pages 4666–4676). In particular, for the technical assistance to the fisheries production, the PIAAPF provides for the acquisition of motorized fishing vessels to benefit artisanal fisheries cooperatives and associations; setting up of 100 cooperatives of artisanal fisheries and community aquaculture; and capacity development of 2500 women engaged in fisheries processing and trade (Page 4668).

The *Programa Nacional de Qualidade Ambiental* (PNQA) [National Programme of Environmental Quality], as approved by the Presidential Decree No. 138 of 2020, includes in its objectives the promotion of integration of the environmental component in various plans and programmes of the Government and of other entities (Page 2948). The objectives related to water include promoting preservation, protection and conservation of water resources (Page 2952), and with respect to land, identifying the degraded areas and those in process of desertification with a view to define priority actions (Page 2954).

The *Programa Nacional de Normalização Ambiental* [National Programme for Environmental Normalization], as approved by the Presidential Decree No. 99 of 2020 determines the guiding principles of the Ministry in charge of the environment, which include cooperation, given the transversal nature of the environment, and synergies among the different sectors (Page 2487). It includes 13 sub-programmes one of which on fisheries and the sea (Page 2488) a sector that plays an important role in the development of coastal areas, in particular, in food security, in poverty reduction and in the generation of employment, especially in artisanal and semi-industrial fishing, whose fleet is mostly national (Page 2495). The Plan also includes implementation actions of awareness-raising of the Angolan population with respect to environmental technical rules (Page 2498).

The *Estratégia Nacional e o Plano de Acção da Biodiversidade 2019–2025* [National Strategy and Action Plan for Biodiversity], as approved by the Presidential Decree No. 26 of 2020, has the general objective of taking efficient measures to deter biodiversity loss so that, until 2025, ecosystems are resilient and continue to provide essential services, contributing to poverty eradication and population's wellbeing (Page 1194). It provides for a national biodiversity plan for the fisheries sector and the sea, which include actions to be developed until 2025, including: monitoring and surveillance of compliance with fishing quotas; monitoring, control, surveillance and enforcement (MCSE) in territorial waters; creation of two marine conservation areas (Pages 1198–1199).

The *Programa Integrado de Desenvolvimento Local e Combate à Pobreza 2018* [Integrated Programme for the Local Development and Fight against Poverty], as approved by the Presidential Decree No. 140 of 2018, has the general objective of contributing to poverty reduction, promotion of human development and wellbeing of Angolans with economic and social inclusion (Page 3208). It attributes 15% of the municipal budget to the agriculture, livestock, fisheries, hydraulic and engineer (Page 3215).

The *Plano Nacional da Água* [National Water Plan], as approved by the Presidential Decree No. 126 of 2017, has the objectives of, *inter alia*, ensuring the integrated management of water resources, under which it aims at, among others, promoting the balance of water availability within water units; and increasing the quality of management, exploration and maintenance of the water systems (Page 2236).

The *Política Nacional de Florestas, Fauna Selvagem e Áreas de Conservação* [National Policy of Forestry, Wild Fauna and Conservation Areas], as approved by Resolution No. 1 of 2010, is based on various principles, including: conservation and sustainable use; respect and protection of traditional knowledge; institutional cooperation; participation of the private

sector, community, business and family sectors; citizens' participation; enhancing forest and fauna resources; promotion of scientific research (Pages 69–70). Implementation strategies include environmental education on measures for the protection, conservation and sustainable use of resources; the introduction of mandatory environmental impact assessments (EIAs) for development projects affecting forestry and fauna resources, including measures to mitigate potential negative environmental impacts (Page 72); creation of national conservation areas to integrate the existing system of protection and conservation of ecosystems; and creation of transboundary conservation areas through framing the parks and reserves with the involvement of private sector and local communities (Page 73).

The *Estratégia de Desenvolvimento a Longo Prazo para Angola 2025* [Long-term Development Strategy for Angola] approved in 2007 has a specific chapter dedicated to fisheries, outlining various key issues to be addressed, such as capacity-building of people at various levels, organization of the sector, climate change impacts, and promoting a more dynamic operation of the sector (Pages 158–159). Its global objective is to sustainably develop the fisheries sector, based on responsible exploitation of living aquatic resources, technological innovation, alignment of the biological and ecological limits of the marine and continental production with the social and economic needs, without jeopardizing the generational heritage, which is the natural capital of aquatic ecosystems (Page 160). Its specific objectives include: contributing to the wellbeing of populations, enhancing human capital, improving the management and use of resources while diversifying production methods and techniques, aligning diverse uses and contributing to an integrated coastal zone management, and promoting scientific research (Page 160). It defined the following three components for the development of fisheries: responsible fisheries; integrated coastal management zones; and quality and sustainability of the marine environment (Page 162).

2.2.2 Fisheries primary legislation

The assessed fisheries primary legislation corresponds to B1 in Appendix A. They cover **58** of the 82 EAF legal requirements.

The *Lei No. 06-A-2004, que aprova a Lei dos Recursos Biológicos Aquáticos* [Aquatic Biological Resources Law], as amended in 2005, provides the definition of the precautionary principle (Article 1(68)), as well as of “shared aquatic ecosystem”, defined as an aquatic ecosystem with established physical boundaries part of which is geographically located within more than one State (Article 1(24)). This Law aims at, *inter alia*, establishing the general principles and rules for the protection of aquatic biological resources and ecosystems, ensuring their sustainable and responsible use and exploitation; promoting research on biologic resources, ecosystems and environmental factors upon which they are balanced (Article 3(a)(d)). The precautionary principle, among others, such as integrated management, institutional coordination, participation and international cooperation, is a guiding principle for the management of fisheries (Article 9).

The Aquatic Biological Resources Law establishes the FMPs' duration of five years, automatically extended for equal periods in case it is not possible to prepare new plans within the established deadlines (Article 11(2)) and provides a list of fifteen items for their minimum

content (Article 12). FMPs must be subject to a prior evaluation of the state of the resources and of the potential effects of the proposed measures considering, among others: the information from environmental and/or economic impact assessments (Article 13 (1)(e)); the recommendations and technical-scientific information in the context of international cooperation, in particular regional and subregional, namely with regard to shared resources and ecosystems, migratory species and the high seas (Article 13 (1)(g)); and opinions of, *inter alia*, central or local government bodies, coastal or riverside communities and non-governmental organizations (NGOs) of professional workers engaged on fisheries and other related activities (Article 13(1)(h)). The coordination of FMPs with other plans on social and economic development is also required therein (Article 14(1)), as well as the compatibility of FMPs with coastal management plans taking into account fragile coastal ecosystems and the needs of coastal communities for a sustainable and integrated use of these resources (Article 14(2)). FMPs are to be approved through a decree of the Council of Ministries, subject to a proposal from the Ministry in charge of fisheries, which is also subject to the obligation of presenting annually to the Government the report of the execution of the FMPs (Article 18) and they must be given wide publicity (Article 16). This Law provides specific requirements on TACs: they are established annually by the competent Ministry, after advice of the Aquatic Biological Resources Integrated Management Council and published in the Official Gazette and publicized namely through newspapers (Article 19); they may be reduced upon new scientific data or as required for environmental preservation (Article 20); they are disaggregated in quotas attributed to industrial and semi-industrial fishing (Article 21), among other requirements (Articles 22–24). It also establishes rules on fishing effort regime applicable to artisanal fisheries, the criteria for such regime and its modification' requirements (Articles 25–26).

The Aquatic Biological Resources Law provides for the rights and duties of fishing rights' holders, determining, for instance a reserved fishing zone of up to 4 nautical miles, where only artisanal, subsistence, scientific research and recreational fishing can operate (Article 33). Fishing rights are granted for a period of 20 years (Article 39) through a concession of the Ministry in charge of fisheries (Article 40). This Law details the process of, *inter alia*, granting such rights, their modifications and registration (Articles 40–49). The competent Ministry is responsible for fostering the undertaking of public bids for the concession of commercial fishing rights (Article 54) and promoting the hearings of rights holders, allowing the opportunity to ask questions or comment on the content of the concession (Articles 57–58). The biologic resources and aquatic ecosystems protection measures follow various objectives, including: protecting and preserving biodiversity; protecting the integrity of aquatic ecosystems; ensuring the maintenance of ecological relationships between captured resources and associated or dependent species, especially preserving or restoring, to the associated species, those captured or dependent species (Article 63(f)(j)). The State has the duty to ensure international cooperation for the protection of shared aquatic biological resources and ecosystems with a view to guarantee compatible measures of management and protection of natural resources and ecosystems adopted at national level with those endorsed at sub-regional, regional and global levels (Article 66(i)). The competent Ministry is required to ensure the participation of all interested persons in the preservation of those resources, especially fishers, professional fisheries associations, costal and riverside communities, and environmental NGOs (Article 67(1)(f)).

The Aquatic Biological Resources Law provides several requirements on the conservation and protection of fishery resources. For instance, it provides special protection of all marine reptiles and mammals (Article 71); and establishes a regime for protected aquatic areas, which include aquatic fully protected natural reserves, aquatic national parks, aquatic natural reserves, partially protected reserves, and natural monuments, describing each of these areas and their applicable requirements (Articles 78–84). The State is responsible for ensuring cooperation with other States, bilaterally and multilaterally, for the definition of protected areas in the case of shared aquatic resources and ecosystems and to cooperate with international organisations with regard to the protection of the resources in the high seas (Article 87). This Law prohibits various activities that may impact and cause harm to the marine environment and ecosystems (Article 92), requiring the polluter to repair the damages caused and/or financially compensate the Government (Article 94(4)). The competent Ministry must, *inter alia*, promote EIAs of fishing methods and gears, take measures to reduce the loss and abandoned fishing gears (Article 95(2)). It is prohibited the abandon, with intention or negligence, fishing gears in the sea and inland waters (Article 99).

With respect to MCSE, all fishing gears must be marked and identified (Article 102) as well as all fishing vessels according to international standards, including FAO (Articles 122 and 158). It is prohibited to tranship in the high seas (Article 123). An observer scheme is provided therein (Articles 138–141). The competent Ministry is responsible for collecting all the information required for the management of the resources, including through, the promotion of community fisheries observers programme, as well as the organisation and permanent update of the registries of fishing rights and fishing vessels (Article 144(1)(a)(b)). The master of the fishing vessels is subject to the obligation of keeping on board the vessel, *inter alia*, the fishing logbook, the certificate of navigation, registration certificate, and fishing certificate and the vessel monitoring system (VMS) (Article 145). The obligation to use the VMS is established based on the characteristics of the fishing vessels and purposes, and the Law cross-refers to regulations the technical specifications of VMS (Article 149(1)). Community observers are members of coastal and riverside communities designated to zones reserved to the artisanal and subsistence fisheries to be designated in the terms to be specified in regulation (Article 151), and whose functions include collection of evidence of industrial and semi-industrial fishing activities in the reserved fishing zones and communication to the competent authorities of any offense provided for in the Law and its regulations of which they become aware (Article 152). In order to operate in Angolan waters, fishing vessels must have a certificate of navigation, registration certificate, and fishing certificate (Article 157). The latter's minimum required content is detailed, including the radio call sign and the International Maritime Organization (IMO)'s number (Article 162). The Law provided for the establishment of an autonomous fund by the Government, under the competence of the Ministry in charge of fisheries, for financing activities, programs and projects aimed at pursuing the objectives of the Law, namely the conservation and development of aquatic biological resources and programmes of scientific investigation (Articles 219–221).

2.2.3 Fisheries secondary legislation

The assessed 22 fisheries secondary legislation corresponds to C1 to C22. They cover **45** of the 82 EAF legal requirements.

The main fisheries secondary legislation is the *Decreto No. 41–2005, que aprova o Regulamento Geral da Pesca*, which approves the General Fisheries Regulation. This Regulation implements the Aquatic Biological Resources Law (Article 2).⁴ In detailing the procedures and timelines for the elaboration of FMPs, this regulation requires the competent authority to consider several elements, concerning government and low-level authorities, including model report presented by the representatives of artisanal fisheries and communities and information collected from fisheries and environmental professional associations and NGOs (Article 6(1)). It also provides for the coordination among the central and provincial fisheries management bodies to adjust the FMP to the practical needs of the provinces and local communities (Article 9(2)). At the end of each execution year a detailed report of the level of implementation of the FMP must be elaborated by the Ministry responsible for fisheries after preliminary meetings to evaluate its execution at community, municipal, provincial and national level (Article 10). Special measures for the protection of the resources are established (Articles 21–37) including the obligation to list threatened species in the FMP and, based on the precautionary principle supplement the list with regards to new scientific evidence (Article 21(3)), and the list of polluting activities (Article 23).

The General Fisheries Regulation also requires the State to collaborate with the States with whom the resources are shared or through inter-regional or regional organizations in establishing and implementing management and conservation measures of such species, according to international rules and standards (Article 28). Another important provision for the EAF is the duty of the competent service to take all necessary measures to investigate the facts and the alleged persons involved in the abandoning fishing gears at sea and in inland waters (Article 34). On MCSE matters, the Regulation provides detailed rules on the procedure for maintaining an inventory with information on fishing vessels which functions as a registry (Articles 71–76); reporting of catch data (Articles 84-94); and requirements for transshipping and landing (Articles 109–116).

The *Decreto Presidencial No. 70–2022, que aprova as Medidas de Gestão das Pescarias Marinhas, da Pesca Continental, da Aquicultura e do Sal para o Ano de 2022*, approves the Management Measures of Marine Fisheries, Inland Fisheries, Aquaculture and Salt for that year⁵. These measures include: specifying the percentage of bycatch allowed in specific fisheries (Article 4(4)); establishing the total TAC for 2022 (Article 5 and Annex I); detailing the fishing efforts limits for each type of fishing (Article 7); establishing the minimum mesh sizes (Article 9); providing for the periods of closed season for specific species (Article 10); establishing reserved areas and fishing areas (Article 11); prohibiting the use of certain fishing gear, fishing of certain species and certain fishing activities (Article 14); and establishing landing and transshipping requirements (Article 15). It further establishes specific monitoring measures including: providing statistical information by filling in the logbooks and maps of catches; requiring all fishing vessels with 15 metres length overall to install on board a VMS and an Automatic Identification System (AIS) in accordance with applicable legislation (Article

⁴ References here and in the EAF Legal Checklist concern the provisions of the General Fisheries Regulation, which is attached to the Decree No. 41 of 2005.

⁵ References here and in the EAF Legal Checklist concern the provisions of the Fisheries Management Measures of 2022, which are attached to the Presidential Decree No. 70 of 2022.

30) and requiring industrial and semi-industrial fishing vessels to allow the entry and presence on board of fisheries observers (Article 31). The Fisheries Management Measures also describe and detail fisheries offences, which are classified in “serious offences” (Article 34) and “other offences” (Article 35) and the applicable sanctions scheme which includes accessory sanctions, with differentiated application according to the type of fishing, and in case of recidivism (Articles 36–38). The measures are addressed to specific research and management institutions which are guided towards the activities expected from them (Article 40).

The *Decreto Presidencial No. 177–2020, que aprova o Estatuto Orgânico do Ministério da Agricultura e Pescas*, approves the Statute of the Ministry of Agriculture and Fisheries, specifying its attributions, which include: developing and implementing, in coordination with the competent institutions, national strategies for marine biodiversity and integrated coastal zone management; promoting the sustainable development of the sector and ensuring, in collaboration with the competent institutions, the implementation of conservation and sustainable management measures of aquatic resources and ecosystems; promoting international and regional cooperation in fisheries and agricultural matters; ensuring MCSE in collaboration with the competent entities (Article 2(2)(b)(c)(e)(f)). The National Directorate of Fisheries and Aquaculture is in charge of, *inter alia*, managing and proposing decentralization of the fisheries area management; proposing and adopting FMPs, in collaboration with the other institutions, including organizations of fishing communities and other interested groups (Article 18(2)(c)(f)). The National Directorate for Sea Matters is in charge of, *inter alia*, creating strategies for reducing the impact of fishing on marine ecosystems; creating mechanisms to protect biologically sensitive areas, in coordination with other Ministerial Departments; establishing a programme of recovery of lost or damaged fishing gears, reducing the impacts of ghost fishing (Article 19(2)(f)(h)(n)).

Three recent decrees provide for institutional arrangements in Angola, two of which are worth highlighting. The *Decreto Executivo No. 370–2020, que aprova o Regimento Interno do Conselho de Gestão Integrada de Recursos Aquáticos do Ministério da Agricultura e Pescas*, approves the internal regulation of the Integrated Aquatic Resources Management Council of the Ministry of Agriculture and Fisheries, which is responsible for various functions, including: give opinion on inter-sectoral measures for the development of the fisheries sector; and liaise inter-sectoral actions and programmes of information and social awareness-raising on recognition and protection of communities with respect to the environment (Article 3(b)(e)).⁶ The *Decreto Executivo No. 369–2020, que aprova o Regimento Interno do Conselho Técnico-Científico do Ministério da Agricultura e Pescas*, approves the internal regulation of the Technical-Scientific Council of the Ministry of Agriculture and Fisheries, which is in charge of issuing advisory opinion on the adequacy of fishing capacity and effort for the potential exploitation based on scientific advice, and analysing technical measures of conservation of species and ecosystems, methodologies and rules dedicated to support and sustainably

⁶ References here and in the EAF Legal Checklist concern the provisions of the Internal Regulation of the Integrated Aquatic Resources Management Council of the Ministry of Agriculture and Fisheries, which is attached to the Executive Decree No. 370 of 2020.

develop fisheries and forestry resources (Article 2).⁷ The *Decreto Executivo No. 368–2020, que aprova o Regimento Interno do Conselho de Direcção do Ministério da Agricultura e Pescas*, approves the internal regulation of the Council of the Directory of the Ministry of Agriculture and Fisheries.

Other important internal regulations adopted in Angola relate to specific fisheries issues. These are: the *Decreto Presidencial No. 57–2017, que aprova o Regulamento sobre o Regime de rastreabilidade, comercialização e distribuição dos produtos da pesca, da aquicultura e sal*, approving the regulation on traceability, trade and distribution of fishery, aquaculture and salt products; the *Decreto Presidencial No. 284–2014, que aprova o Regulamento sobre as Medidas de Prevenção, Combate e Eliminação da Pesca Ilegal, Não Declarada e Não Regulamentada*, approving the regulation on the measures to prevent, deter and eliminate IUU fishing; and the *Decreto Presidencial No. 146–2013, que aprova o Regulamento da Pesca Recreativa e Desportiva*, approving the regulation on recreational and sport fishing.

Three decrees of Angola adopted in 2014 also concern institutional arrangements. The *Decreto Presidencial No. 120–2014, que aprova o Estatuto Orgânico do Instituto de Desenvolvimento da Pesca Artesanal e da Aquicultura Comunal*, approves the Statute of the Institute of Development of Artisanal Fisheries and Community-based Aquaculture, which is in charge of, *inter alia*, developing programmes of technical assistance to artisanal and subsistence fisheries, in marine and inland waters, and community-based aquaculture, safeguarding their implementation and monitoring; promoting awareness raising of artisanal fisheries and community aquaculture farmers on the need to respect the law and regulations and ensure self-renovation of the resources; promoting the development of infrastructures that support artisanal fishers and community-based aquaculture to acquire the means and materials for their activities (Article 4(b)(i)(p)).⁸ The *Decreto Presidencial No. 118–2014, que aprova o Estatuto Orgânico do Serviço Nacional de Fiscalização Pesqueira e da Aquicultura*, approves the Statute of the National Service of Fisheries and Aquaculture Surveillance, which is responsible for, among others, initiating infractions procedures; ensuring the protection and compliance with fishery resources management and conservation; inspecting fishing gears and fishing vessels to ensure they comply with the applicable rules and standards (Article 4).⁹ The *Decreto Presidencial No. 117–2014 aprova o Estatuto Orgânico do Instituto Nacional de Investigação Pesqueira*, approves the Statute of the National Institute of Fisheries Research, whose competence is to, *inter alia*, executing, coordinating, and controlling activities of applied research and experimental development in fisheries and proposing conservation and management measures of biological resources based on an ecosystem approach (Article 4(b)(e)).¹⁰

⁷ References here and in the EAF Legal Checklist concern the provisions of the Internal Regulation of the Technical-Scientific Council of the Ministry of Agriculture and Fisheries, which is attached to the Executive Decree No. 370 of 2020.

⁸ References here and in the EAF Legal Checklist concern the provisions of the Statute of the Institute of the Development of Artisanal Fisheries and Community-based Aquaculture, which is attached to the Presidential Decree No. 120 of 2014.

⁹ References here and in the EAF Legal Checklist concern the provisions of the Statute of the National Service of Fisheries and Aquaculture Surveillance, which is attached to the Presidential Decree No. 118 of 2014.

¹⁰ References here and in the EAF Legal Checklist concern the provisions of the Statute of the National Institute of Fisheries Research, which is attached to the Presidential Decree No. 117 of 2014.

The *Decreto Presidencial No. 139–2013, que aprova o Regulamento da Pesca Continental*, approves the regulation on inland fisheries. This regulation, *inter alia*: requires fishers, cooperatives and associations to regularly provide statistical catch data to the Institute of Development of Fisheries and Aquaculture (Article 7(a));¹¹ prohibits fishing of freshwater mammals and reptiles, including hippos and alligators, except if such fisheries have been approved by an FMP (Article 13); establishes some fishing gears requirements (Articles 19–21, 24) and prohibited fishing gears and methods (Article 25).

The *Decreto Executivo Conjunto No. 121–2011, referente à linha de crédito agrícola para pescadores artesanais*, extends the financial assistance, under the special agriculture credit scheme, to the marine and inland artisanal fishers.

The *Decreto Executivo No. 83–2007, que estabelece as normas de entrada, permanência e saída dos observadores de pesca nas embarcações de pesca industriais e semi-industriais*, establishes rules of entry, permanence and exit of observers in industrial and semi-industrial fishing vessels. It establishes their attributions, including to collect samples and recommend to the master of the fishing vessels the measures to be adopted in order to avoid any infraction (Article 3), affirms their rights to be treated with respect, receive equal treatment on board the fishing vessel, have access to all devices on board and all areas of the fishing vessel (Article 11) and determines their duties which include providing fortnightly information to the National Service of Fisheries and Aquaculture Surveillance and informing in immediately in case an infraction has been committed (Article 12). At the end of the observers' mission, observers are required to develop a final report, contributing to, among others, enabling the long-term conservation of biological resources and aquatic ecosystems, especially fragile ecosystems at national, regional and international levels (Article 15(d)).

Three other decrees relate to fisheries management measures. The *Decreto Executivo No. 160–2006, que define as normas de medição da malhagem das redes de pesca*, regulates the measuring of fishing nets used by commercial fishing vessels. The *Decreto Executivo No. 159–2006, que define os tipos de artes de pesca cujo uso é permitido em Angola*, defines the types of fishing gears that are allowed to be used in Angola. The *Decreto Executivo No. 109–2005, relativo à determinação das dimensões e pesos de espécies a capturar*, approves the table of minimum size and weight for authorized aquatic biological resources.

Other three important decrees were adopted in 2005 and early 2000s. The *Decreto No. 43-2005, que aprova o Regulamento de Fiscalização das Pescas*, approves the regulation of fishing and fishing related activities surveillance. This regulation provides specific rules on observers scheme (Articles 5-10) details the functions of the fisheries inspectors (Articles 20–34) and the infractions procedures (Articles 37–45). The *Decreto No. 39-2005, que aprova o Regulamento da Aquicultura*, which approves the regulation on aquaculture. The *Decreto No. 14–2005 aprova o Regulamento de Concessão de Direitos de Pesca e Licenciamento*, provides specific details of fishing license scheme, including a special procedure for granting commercial fishing

¹¹ References here and in the EAF Legal Checklist concern the provisions of the Regulation on Inland Fisheries, which is attached to the Presidential Decree No. 139 of 2013.

rights that comprise a public consultation for, among other issues, assess the negative impacts resulting from the exploitation of aquatic biologic resources, the negative adverse consequences in the marine environment as well as the social and economic effects (Articles 6–8). The Decreto Executivo No. 08–2002, *que institui e regulamenta o Sistema de Monitorização Contínua de Embarcações de Pesca via satélite (SIMAP)*, regulates the VMS scheme which applies to vessels with more than 24m length, in particular trawlers, and others whose control is required for the management of fishery resources (Articles 1 and 3). It should be noted that this Executive Decree regulates the fisheries law 20/92 which was repealed by Law 6–A–2004 assessed above.

2.2.4 Other sectors primary legislation

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

Pursuant to the Constitution of Angola of 2010, which provides that one of the fundamental tasks of the Angolan State is to promote harmonious and sustainable development throughout national territory, protecting the environment and natural resources (Article 21(m) of the Constitution), the *Lei No. 05–1998, que aprova a Lei de Bases do Ambiente* [Environmental Law] sets the essential rules on the environmental and natural resources protection, preservation and conservation (Article 1). This Law is founded on the Constitutional principle (Article 39(1) of the Constitution) that everyone has the right to live in a healthy environment, to the benefits of the rational use of natural resources, whilst defending and preserving it (Article 3(1)). It also ensures the right and duty of all citizens to participate in the environmental management through associations or individually in public consultations or in favour of any of those injured by third parties in respect to principles of sustainable development (Article 8). All projects of actions and undertakings, which may affect the interests of communities, interfere with the ecological balance and use natural resources impacting others, must be subject to an environmental and social impact assessment (ESIA) and public hearings (Articles 10 and 15). This Law prohibits all activities against biodiversity or the conservation, reproduction, quality and quantity of biological resources, especially those threatened with extinction (Article 13(1)). It provides for the establishment of protected areas subject to measures of classification, conservation and monitoring and with the indication of the role of local communities in the management of these areas (Article 14(3)(4)). The Government has the duty to publish and enforce legislation on the control of production, emission, deposit, transport, import, and management of pollutants (Article 19(2)).

The Environmental Law provides for environmental education, through the formal education system and through the media (Article 20) and grants all citizens with the right to information (Article 21), the right to participation (Article 22) and the right of access to justice in environmental matters (Article 23). The Law requires the Government to establish community inspection agents with a view to ensuring the participation of local communities and use their knowledge and human capacities properly (Article 32).

The *Lei No. 08–2020, que aprova a Lei das Áreas de Conservação Ambiental* [Environmental Conservation Areas Law] aims at, *inter alia*, promoting the sustainable management of fauna and flora in environmental conservation areas to ensure their balance with the protection of ecosystems and biodiversity; and promoting scientific research on these and dissemination of

the knowledge arising from it (Article 4(a)(f)). It is based on the principles of, among others, sustainable development, public consultation, precaution and prevention, institutional collaboration, polluter pays and publicity (Article 5(a)(b)(e)(f)(h)(i)). Five categories of protected areas are established therein, including natural reserves, national parks, natural monuments and protected landscapes (Article 10), with the procedures for re-classification, re-dimensioning (Article 11) and the details on management and conservation measures and purposes of each type of protected area and other areas such as contiguous zones and transboundary areas (Articles 13–20).

The *Lei No. 6–2017, que aprova a Lei de Bases de Floresta e Fauna Selvagem* [Wild Fauna and Forestry Law] has the objectives of, among others, establishing the principles and general rules for the protection and management of forestry and wildlife and their ecosystems, ensuring that they are used in a sustainable, responsible and integrated manner; and promoting the associated scientific and technological research, with the dissemination of the knowledge, including traditional knowledge (Article 3(a)(e)). It follows various principles relevant for the EAF, including the protection of the environment, wild fauna and flora biodiversity, sustainable development, publicity, prevention and precaution, integration of sustainable development and institutional coordination (Article 5(a)(c)(f)(o)(p)). This Law lists a number of State's duties, including ensuring: the sustainable use and integrated management of forestry and fauna resources; the conciliation between diverse uses of such resources and other natural resources; the participation of citizens and local communities in the sustainable management of those resources; and the recovery of degraded habitats and ecosystems (Article 11(b)(d)(g) (k)). Of most relevance to the EAF is the requirement to subject projects which may have a significant impact on forests, wild fauna and ecosystems, to an EIA (Article 35), the procedures for restoration of degraded areas (Article 36) and the detailed objectives and principles of the scientific and technological research (Articles 37–38).

The *Lei No. 27–2012, que aprova a Lei da Marinha Mercante, Portos e Atividades Conexas* [Merchant Navy, Ports and related Activities Law] has provisions dedicated to the prevention and combat of pollution at sea, clarifying, for instance, that it is the responsibility of the National Maritime Administration to conduct proceedings related to incidents or accidents of pollution at sea or inland waters, apply fines and other penalties (Article 17(5)). Fishing vessels are classified among the vessels (Article 25(1)(b)), which are subject to the process of registration with the same Administration (Articles 28–41).

Other three important laws worth highlighting are: the *Lei No. 03–2006, que aprova a Lei das Associações de Defesa do Ambiente*, regulates the rights of participation and intervention by Associations in the Protection of the Environment and in Environmental Management; the *Lei No. 10–2004, que aprova a Lei das Atividades Petrolíferas* [Petroleum Activities Law], as amended in 2019; and the *Lei No. 6–2002, que aprova a Lei de Águas*, defines the general principles of the legal regime on the use of water resources. These principles include the integrated management of water resources, institutional coordination and participation of communities, promotion of adequate forms of public and private sectors' participation in the development of water resources (Article 9(d)(e)(h)).

2.2.5 Other sectors secondary legislation

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

The *Decreto Presidencial No. 316–2020, que aprova o Regulamento da Lei de Bases do Regime Geral do Sistema Nacional de Planeamento*, approves the Regulation of the Framework Law on the National Planning System. It details the processes for developing, approving, executing, monitoring, evaluating and reviewing the National Development Plan (Articles 10–18), the Sectorial Development Plans (Articles 19–26), and the Provincial Development Plans (Articles 27–34).

The *Decreto Executivo No. 234–2020, que aprova o Regulamento da Direcção Nacional de Estudos e Planeamento do Ministério da Economia e do Planeamento*, approves the regulation of the National Directorate of Studies and Planning of the Ministry of Economy and Planning. This Directorate is in charge of, *inter alia*, ensuring the coordination and supervision of the process of development, monitoring, and evaluation of provincial and municipal development plans, ensuring their consistency with the national and sectorial development plans (Article 2(f)).

The *Decreto Presidencial No. 117–2020, que aprova o Regulamento Geral de Avaliação de Impacto Ambiental e do Procedimento de Licenciamento Ambiental*, details the EIA and licensing process, including the minimum content of an EIA (Article 14) and the activities that are subject to EIA, which include industrial fishing that place greater pressure on fishery resources and aquaculture or mariculture with more than 50 tonnes of production per year (Article 7 and Annex II).

The *Decreto Executivo No. 252–2018, que aprova a Lista Vermelha das Espécies de Angola*, provides the list of species that are classified as extinct, threatened with extinction, vulnerable or invasive.

The *Despacho Presidencial No. 11–2017, que cria a Comissão Multisectorial para Revisão e Extensão da visão até 2050, da Estratégia de Desenvolvimento de Longo Prazo*, creates the Multi-sectoral Commission for the Revision and Extension of the vision 2050, within the Long-Term Development Strategy.

The *Decreto Presidencial No. 82–2014, que aprova o Regulamento de Utilização Geral dos Recursos Hídricos*, approves the regulation on the general use of water resources which are subject to the national water resources plan and the general plans for the development of water resources in hydrographic basins (Article 4) which are valid for 15 and 10 years respectively (Article 8). It provides the minimum requirements for the water resources plans, which must, *inter alia*, be based on a joint and interconnected approach of the technical, economic, cultural, environmental and institutional aspects of water resources utilization; and involve the participation of all interested persons in the water resources management and utilization (Article 6(a)(d)).

The *Decreto Presidencial No. 141–2012, que aprova o Regulamento para a Prevenção e Controlo da Poluição das Águas Nacionais, rectificado*, approves the regulation on prevention and control of national water pollution provides the corresponding measures for ships and vessels with restrictions on their emissions as to avoid the negative effects on human health and the environment.

The *Decreto Presidencial No. 194–2011, que aprova o Regulamento sobre a Responsabilidade por Danos Ambientais*, approves the regulation on liability for environmental damages.

The *Decreto Presidencial No. 09–2011, que cria o Fundo do Ambiente*, creates the Environmental Fund, which is dedicated to finance activities of research, education, studies and programmes for the enhancement of natural resources and ensure the rights of all citizens to a healthy and unpolluted environment (Article 1).

The *Despacho Presidencial No. 30–2010, que cria a Comissão Técnica Multisectorial para o Ambiente*, creates the Technical Multi-sectoral Commission for the Environment, composed by representatives from various Ministries, including those in charge of agriculture, rural development and fisheries, planning, energy and water, education (Article 1).

The *Decreto No. 1–2009, que aprova o Regulamento sobre as Operações Petrolíferas*, approves the regulation on petroleum operations. It requires the undertaking of an EIA for the development of the plans concerning the development of petroleum activities and their finalization (Articles 17(1)(g) and 27(1)(c)).

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 Angola 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, **72** EAF legal requirements were found in Angola's policy and legal frameworks assessed in this EAF Legal Report. It should be noted that the 82 EAF legal requirements are considered the minimum standards in legislating for the EAF which may be further elaborated and improved in advancing the implementation of the EAF. Based on the present preliminary assessment, **ten** EAF legal requirements remain to be incorporated in the policy and legal frameworks of Angola.

The assessed policy and legal instruments did not clearly provide for conflict management review process, as required under EAF Component 7, not to periodic reviews of managed aquatic ecosystems and integrated plans, which corresponds to EAF Component 8. One relevant gap was noted with respect to certain fisheries management measures, particularly on: coordination of TACs for shared stocks; monitoring TAC in real time; provision for the authority to attach additional catch limits and empowering the designated authority to establish additional regulations for licensing; stakeholder and institutional consultation for establishing temporal and spatial control, as provided under EAF Component 9. On FMPs, one of seven the minimum requirements was not found concerning ecological relationships between harvested, dependent and associated species, as provided under EAF Component 10.

There was also lack of references and provisions on ecosystem-based research plans and priorities, with designation of authority, timeline for monitoring and review, as required under EAF Component 13. Measures to promote energy efficiency were also not found in the assessed policy and legal instruments, which indicate a gap related to EAF Component 15.

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

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

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

The policy and legal instruments of Angola, assessed in this Report, incorporate **72** out of the 82 EAF legal requirements, therefore indicating a **medium-high** level of alignment with the EAF.

3.3 Final considerations and proposed way forward

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

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

Some gaps have, however, been identified which should be addressed to ensure full implementation of the EAF in the country. The following subjects could benefit from a detailed review and update in the relevant policy and legal instruments: “institutional arrangements” (especially conflict management and integrated management of aquatic ecosystems), “control on fishing operations” (especially TACs and consultation for temporal and spatial control), “conservation measures” (especially requirements on energy efficiency), and “research”.

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

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

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

4. References

Reports and other international instruments

- FAO.** 2021a. *A diagnostic tool for implementing an ecosystem approach to fisheries through policy and legal frameworks*. Rome. <https://doi.org/10.4060/cb2945en>
- FAO.** 2021b. *Un outil de diagnostic pour la mise en œuvre d'une approche écosystémique des pêches à partir des cadres politiques et juridiques*. Rome. <https://doi.org/10.4060/cb2945fr>
- FAO.** 2021c. *Uma ferramenta de diagnóstico para a implementação de uma abordagem ecossistêmica às pescas através de quadros políticos e jurídicos*. Roma.
- FAO.** 2021d. *Legislating for an ecosystem approach to fisheries – Revisited – An update of the 2011 legal study on the ecosystem approach to fisheries*. FAO EAF-Nansen Programme Report No. 36. Rome. <https://doi.org/10.4060/cb6750en>
- FAO.** 2021e. *Ecosystem Approach to Fisheries – Policy and Legal Implementation*. In: FAO elearning Academy. Rome, FAO. Cited 8 April 2022. <https://elearning.fao.org/course/view.php?id=753>
- FAO.** 2019. *Progress in the Implementation of the Code of Conduct for Responsible Fisheries and related instruments. Report of the Thirty-third Session of the Committee on Fisheries, Rome, Italy 9–13 July 2018*. FAO Fisheries and Aquaculture. Report No. 1249. Rome. www.fao.org/3/ca5184en/ca5184en.pdf
- FAO.** 2016. *A How-to Guide on legislating for an ecosystem approach to fisheries*. FAO EAF-Nansen project report No. 27, Rome, FAO.
- Skonhoft, A.** 2011. *Legislating for an ecosystem approach to fisheries. A review of trends and options in Africa (English)*. In FAO EAF-Nansen project report No. 10, Rome, FAO, 2011. 159 p.

Internet sources

- FAO.** n.d-a. EAF Nansen-Programme, available at <http://www.fao.org/in-action/eaf-nansen/background/history-of-the-nansen-programme/en/> (Accessed on 08 April 2020).
- FAO.** n.d.b. *The EAF IMT tool: monitoring progress and achievements of effective fisheries management*, available at <http://www.fao.org/in-action/eaf-nansen/news/detail-events/en/c/1268177/>.
- FAO.** n.d-c. FAOLEX Database, Country Profiles, available at <http://www.fao.org/faolex/country-profiles/en/>.

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

Identification	Instruments of ANGOLA
A	Fisheries Policies
A1	Decreto Presidencial No. 313–2020 aprova o Plano de Desenvolvimento Nacional 2018–2022 – Revisto
A2	Decreto Presidencial No. 227–2020 aprova o Plano Integrado de Aceleração da Agricultura e Pesca Familiar (PIAAPF) 2020–2022
A3	Decreto Presidencial No. 138–2020 aprova o Programa Nacional de Qualidade Ambiental (PNQA)
A4	Decreto Presidencial No. 99–2020 aprova o Programa Nacional de Normalização Ambiental
A5	Decreto Presidencial No. 26–2020 aprova a Estratégia Nacional e o Plano de Acção da Biodiversidade 2019–2025
A6	Decreto Presidencial No. 29–2019 aprova o Plano de Ordenamento de Pescas e Aquicultura (POPA) 2018–2022
A7	Decreto Presidencial No. 140–2018 aprova o Programa Integrado de Desenvolvimento Local e Combate à Pobreza 2018
A8	Decreto Presidencial No. 126–2017 aprova o Plano Nacional da Água
A9	Resolução No. 1–2010 aprova a Política Nacional de Florestas, Fauna Selvagem e Áreas de Conservação
A10	2007 Estratégia de Desenvolvimento a Longo Prazo para Angola 2025
B	Fisheries Primary Legislation
B1	Lei No. 6–A–2004 aprova a Lei dos Recursos Biológicos Aquáticos, alterada em 2005
C	Fisheries Secondary Legislation
c1	Decreto Presidencial No. 70–2022 aprova as Medidas de Gestão das Pescarias Marinhas, da Pesca Continental, da Aquicultura e do Sal para o ano 2022
c2	Decreto Presidencial No. 177–2020 aprova o Estatuto Orgânico do Ministério da Agricultura e Pescas
c3	Decreto Executivo No. 370–2020 aprova o Regimento Interno do Conselho de Gestão Integrada de Recursos Aquáticos do Ministério da Agricultura e Pescas
c4	Decreto Executivo No. 369–2020 aprova o Regimento Interno do Conselho Técnico-Científico do Ministério da Agricultura e Pescas
c5	Decreto Executivo No. 368–2020 aprova o Regimento Interno do Conselho de Direcção do Ministério da Agricultura e Pescas
c6	Decreto Presidencial No. 57–2017, aprova o Regulamento sobre o Regime de rastreabilidade, comercialização e distribuição dos produtos da pesca, da aquicultura e sal
c7	Decreto Presidencial No. 284–2014 aprova o Regulamento sobre as Medidas de Prevenção, Combate e Eliminação da Pesca Ilegal, Não Declarada e Não Regulamentada
c8	Decreto Presidencial No. 120–2014 aprova o Estatuto Orgânico do Instituto de Desenvolvimento da Pesca Artesanal e da Aquicultura Comunal
c9	Decreto Presidencial No. 118–2014 aprova o Estatuto Orgânico do Serviço Nacional de Fiscalização Pesqueira e da Aquicultura
c10	Decreto Presidencial No. 117–2014 aprova o Estatuto Orgânico do Instituto Nacional de Investigação Pesqueira
c11	Decreto Presidencial No. 146–2013 aprova o Regulamento da Pesca Recreativa e Desportiva
c12	Decreto Presidencial No. 139–2013 aprova o Regulamento da Pesca Continental

Identification	Instruments of ANGOLA
c13	Decreto Executivo Conjunto No. 121–2011 referente à linha de crédito agrícola para pescadores artesanais
c14	Decreto Executivo No. 83–2007 estabelece as normas de entrada, permanência e saída dos observadores de pesca nas embarcações de pesca industrial e semi-industrial
c15	Decreto Executivo No. 160–2006 define as normas de medição da malhagem das redes de pesca
c16	Decreto Executivo No. 159–2006 define os tipos de artes de pesca cujo uso é permitido em Angola
c17	Decreto Executivo No. 109–2005 relativo a determinação das dimensões e pesos de espécies a capturar
c18	Decreto No. 43–2005 aprova o Regulamento de Fiscalização das Pescas
c19	Decreto No. 39–2005 aprova o Regulamento da Aquicultura
c20	Decreto No. 14–2005 aprova o Regulamento de Concessão de Direitos de Pesca e Licenciamento
c21	Decreto No. 41–2005 aprova o Regulamento Geral da Pesca
c22	Decreto Executivo No. 08–2002 institui e regulamenta o Sistema de Monitorização Contínua de Embarcações de Pesca via satélite (SIMAP)
D	Other Sector's Primary Legislation
d1	Lei No. 08–2020 aprova a Lei das Áreas de Conservação Ambiental, as amended by Law No. 12–2021
d2	Lei No. 06–2017 aprova a Lei de Bases de Floresta e Fauna Selvagem
d3	Lei No. 27–2012 aprova a Lei da Marinha Mercante, Portos e Atividades Conexas
d4	Lei No. 03–2006 aprova a Lei das Associações de Defesa do Ambiente
d5	Lei No. 10–2004 aprova a Lei das Actividades Petrolíferas, alterada em 2019
d6	Lei No. 06–2002 aprova a Lei de Águas
d7	Lei No. 05–1998 aprova a Lei de Bases do Ambiente
E	Other Sector's Secondary Legislation
e1	Decreto Presidencial No. 316–2020 aprova o Regulamento da Lei de Bases do Regime Geral do Sistema Nacional de Planeamento
e2	Decreto Executivo No. 234–2020 aprova o Regulamento da Direcção Nacional de Estudos e Planeamento do Ministério da Economia e do Planeamento
e3	Decreto Presidencial No. 117–2020 aprova o Regulamento Geral de Avaliação de Impacto Ambiental e do Procedimento de Licenciamento Ambiental
e4	Decreto Executivo No. 252–2018 aprova a Lista Vermelha das Espécies de Angola
e5	Despacho Presidencial No. 11–2017 cria a Comissão Multisectorial para Revisão e Extensão da visão até 2050, da Estratégia de Desenvolvimento de Longo Prazo
e6	Decreto Presidencial No. 82–2014 aprova o Regulamento de Utilização Geral dos Recursos Hídricos
e7	Decreto Presidencial No. 141–2012 aprova o Regulamento para a Prevenção e Controlo da Poluição das Águas Nacionais, rectificado em 2012
e8	Decreto Presidencial No. 194–2011 aprova o Regulamento sobre a Responsabilidade por Danos Ambientais
e9	Decreto Presidencial No. 09–2011 cria o Fundo do Ambiente
e10	Despacho Presidencial No. 30–2010 cria a Comissão Técnica Multisectorial para o Ambiente
e11	Decreto No. 1–2009 aprova o Regulamento sobre as Operações Petrolíferas

Perceived level of alignment with the EAF legal requirement

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

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

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
	Scope and definitions								
General guidelines	1.	– Clearly outline the geographic and substantive scope of the application.	X	✓	✓	✓	✓	(b1) Articles 2 and 4 (c6) Articles 3–5 (c21) Articles 2–3 (d1) Articles 1–2 (d2) Articles 1–2 (d3) Articles 1–2 (e6) Articles 1–2 (e8) Article 3	
	Principles and objectives								
C.1 EAF concepts C.3 Precautionary approach C.4 Stakeholder participation C.6	2.	– Clearly define and apply the precautionary approach.	∅	✓	∅*	✓	✓	(A5) Page 239 (b1) Articles 1(68), 6(3), 9(a) (c21) Article 21(3) (d1) Article 5(e) (d2) Article 5(o) (e6) Article 14(c)	Reference in (A5) and provision in (c21) do not define the precautionary approach.
Integration of lower level authorities	3.	– Broaden stakeholder participation with integration of lower level authorities and bodies.	✓	✓	✓*	✓	✓	(A5) Chapter II and Page 239 (A7) Page 2236 (A9) Page 69	

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.7 Conflict management and C.11, C.13, C.14 and C.17								(b1) Articles 6(3), 8(g), 9(f), 68(1)(b) (c2) Article 18(2)(c) (d1) Article 5(b) (d2) Articles 5(k)(q), 12(1)(c) (d4) Entire Law (d6) Article 9(h) (d7) Articles 4(b), 5(h), 8, 9, 32 (E6) Articles 6(d), 11(e)	
	4.	– Ensure the right of access to fair and transparent information.	X	✓	●*	✓	X	(b1) Articles 36(f), 68(1)(a) (d1) Article 5(h) (d2) Articles 5(f), 12(1)(d)(e) (d4) Article 6 (d7) Article 21	
	5.	– Promote institutional coordination, cooperation and integration.	✓	✓	✓*	✓	✓	(A5) Chapter II and Page 270 (A9) Page 69 (b1) Articles 6(3), 9(d) (c2) Article 2(2) (d1) Article 5(g) (d2) Article 5(p) (d6) Article 9(e) (E2) Article 2(e) and (f) (E6) Article 11(e)	
	6.	– Maintain ecological relationships among harvested, dependent and associated species.	X	✓	●*	X	X	(b1) Articles 63(i)–(k), 64(d)(e)	

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		
7.	– Promote sustainable development and avoid overexploitation of marine living resources.	✓	✓	✓*	✓	✓	(A1) Page 6489 (A5) Chapter II and Pages 239-240 (A9) Page 69 (A10) Page 160 and 163 (B1) Articles 3(a)–(c), 6(3), 8, 9, 63, 64 (C2) Article 18(2)(a) (D1) Articles 4(a)–(c), 5(a) (D2) Articles 3, 5(c) (D7) Articles 3, 5(a), 6 (E6) Article 6(b)	Reference in (A9) does not require avoiding overexploitation of marine living resources.
8.	– Preserve marine habitat, conserve and restore marine living resources and biodiversity.	✓	✓	✓*	✓	X	(A5) Page 1194 (B1) Articles 8, 63(f) (C2) Article 2(2)(b) (D1) Articles 4(a)(b), 6 (D2) Article 5(a) (D7) Article 13	
9.	– Promote ecosystem well-being, including the human biotic and abiotic components.	✓	✓	✓*	✓*	●*	(A5) Page 1194 (A5) Pages 252–254 (A10) Page 160 (B1) Articles 3(c)(d), 6(3), 63, 64 (C2) Article 2(2)(c) (D1) Articles 4(a)(d), 6 (D2) Article 3	

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
10.	– Promote adaptive management measures, including their regular monitoring and review.	✓	X	✓*	●*	✓*	(A5) Pages 1198–1199 (A6) Pages 252–254 (c2) Article 19(2)(k) (E1) Articles 10–34	
11.	– Harmonize management measures, including those for shared resources.	✓	✓	●*	✓*	●*	(A5) Chapter II (B1) Article 6(3)(k) (D1) Article 18 (D2) Article 23	
12.	– Reduce and manage conflict between users and stakeholders over fisheries resources and ecosystems.	∅	X	X*	✓*	●*	(A8) Page 2236 (D2) Article 11(d)	Reference in (A8) concerns conflict between users of water resources.
13.	– Consider socioeconomic contexts (e.g. employment, livelihoods, equity, poverty, gender) when designing and implementing management measures.	✓	✓	●*	✓*	✓*	(A1) Pages 6355–6356 (A2) Pages 4660, 4668 (A5) Page 1194 (A6) Chapter II and Pages 239-240 (A7) Entire Policy (A10) Page 160 (B1) Articles 3(e)–(g), 63 (D1) Article 4(e) (D2) Articles 3, 5(l)–(n) (D6) Article 9(f)–(j) (D7) Article 5 (E6) Article 11	

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
14.	– Promote management measures, designate the authority and outline the timeline and process for their monitoring and review.	✓	✓	●*	●*	●*	(A2) Pages 4666–4676 (B1) Article 7(a)(i)	
15.	– Provide for the establishment of MCSE measures.	✓	✓	✓*	●*	●*	(A5) Page 1198 (A6) Chapter II (B1) Article 7(i) (C2) Article 2(2)(f) (C9) Article 4 (C18) Entire Decree	
16.	– Promote ecosystem-based research plans/priorities, designate the authority and outline the timeline and process for their monitoring and review.	∅	∅	∅*	∅*	X*	(A9) Page 70 (B1) Article 3(d) (C2) Article 2(2)(d) (D1) Article 4(f) (D7) Article 5(f)	Reference in (A9) concerns scientific research on forestry and fauna species. Provision in (B1) and (C2) foster research on biological resources and ecosystems. Provisions in (D1) and (D7) do not outline the authority, timeline and process for monitoring and review.
17.	– Promote the right of access to education and awareness raising on EAF.	∅	✓	∅*	✓*	●*	(A4) Entire Programme (A5) Page 1199 (A9) Pages 70, 72	Reference in (A4) concerns studies and awareness-raising on biodiversity, while

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
								(b1) Article 68(1)(c) (c2) Article 19(2)(o) (d1) Article 4(f) (d2) Articles 3(e), 12(1)(f) (d7) Articles 4(a), 20, 22	(A5) focuses on environmental technical rules. References in (A9) and provision in (c2) do not explicitly provide for the right of access to education.
		Institutional arrangements							
C.2 Management boundaries and measures	18.	– Ensure new management boundaries, measures and plans are: (a) ecologically meaningful considering resource ranges, habitats and other ecological factors.	✓	✓	X	✓*	●*	(A9) Page 72 (b1) Articles 78–86 (d1) Articles 7–8	
C.4 Stakeholder participation		(b) overlapped closely and are harmonized with well-established management boundaries and governance structures.	✓	✓	X	✓*	●*	(A9) Page 72 (b1) Articles 78–86 (d1) Article 22	
C.5 Coordination, cooperation and integration	19.	– Promote states cooperation on the harmonization of management measures and plans (bilaterally, regionally and internationally).						(A5) Chapter II (A9) Page 70 (b1) Articles 6(3)(k), 9(g), 66(i)(j), 87 (c2) Article 2(2)(e) (c21) Article 28 (d1) Article 18 (d2) Articles 5(u), 15 (d6) Article 19 (d7) Article 4(f)	
C.7 Conflict management			✓	✓	✓	✓*	✓*		
C.8 Integrated management									

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
of aquatic ecosystems							(E8) Article 2(d)	
	20.	– Establish transparent and accessible mechanisms, bodies (including lower level authorities) or processes to:					(A9) Page 72 (B1) Articles 78–86 (C2) Article 19(2)(h) (D1) Articles 7–8	
		(a) support well-established management boundaries and governance structures on the basis of ecosystem considerations.	✓	✓	✓	✓*	●*	
		(b) outline conservation and management measures, including FMPs, at local and national levels.	✓	✓	✓	●*	●*	(A5) Pages 252–254 (B1) Articles 13–17 (C1) Entire Decree (C2) Article 18(2)(f)
		(c) facilitate coordination, cooperation and integration of management decisions, regulatory action, environmental policies, plans and programs.	✓	✓	✓	✓*	✓*	(A3) Page 2948 (A5) Page 1199 (B1) Article 214 (C3) Article 3 (D2) Article 11(f)(g) (D7) Article 11 (E6) Article 11(f)
		(d) monitor, assess and align the various environmental policies and plans.	X	✓	X	X*	X*	(B1) Articles 214–217
		(e) manage conflict over fisheries, relevant resource and ecosystem, including parameters for decision-making and resolving the conflict.	X	X	X	X*	X*	
	(f) ensure integrated management of aquatic ecosystems (e.g. integrated coastal zone) based on ecosystem delimitations.	✓	✓	✓	●*	●*	(A8) Page 2236 (A10) Pages 160 and 163 (B1) Article 65 (k) (C2) Article 2(2)(b)	Reference in (A8) concerns integrated water management.

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
	(g) ensure periodic reviews of managed aquatic ecosystems that assess the state of aquatic resources, levels of pollution, habitat degradation and other factors.	X	X	X	X*	X*		
	(h) ensure periodic reviews of integrated management plans to assess objectives and indicators and to determine any potential needs for adjustment or revision.	X	X	X	X*	X*		
	(i) ensure periodic reviews of conflict management processes.	X	X	X	X*	X*		
21.	– Clearly outline powers, roles and responsibilities of all bodies, designated authorities, their relationships and processes, avoiding overlapping and conflicting mandates.	✓	✓	✓	●*	●*	(A9) Pages 75–76 (B1) Articles 211–218 (C1) Article 40 (C2) Articles 2, 18	
22.	– Outline mandates for the government institutions to: (a) coordinate efforts, cooperate and integrate approaches, from the local to the national levels.	✓	✓	✓	✓	✓	(A1) Page 6569–6571 (A5) Pages 1198–1211 (B1) Articles 14,67(1)(f) (C21) Articles 9(2)(3), 10(3) (D2) Article 13 (D6) Article 20 (D7) Article 7 (E2) Article 2(e)	
	(b) coordinate, cooperate and integrate the regional and international processes and arrangements.	✓	✓	✓	✓	✓	(A9) Page 70 (B1) Articles 7(h), 66(i)(j) (C2) Articles 2(2)(e), 19(2)(e) (C21) Article 28	

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		
							(D1) Article 18 (D2) Articles 11(v)–(x), 15 (D6) Article 19 (E2) Article 2(m)(p)	
	(c) allocate financial, human and material resources to ensure the integration of lower level authorities	✓	X	✓	X	X	(A1) Page 6490 (A2) Page 4668 (A6) Pages 3620–3623 (A7) Entire Policy (C8) Article 4 (C13) Entire Decree	
	Stakeholder participation, coordination, cooperation and integration							
C.4 Stakeholder participation	23. – Ensure bodies established are broadly representative (from industry, the artisanal sector, academia, civil society and local communities) and processes allow for stakeholder and institutional participation and coordination, engaging and integrating lower level authorities or bodies when resources are affected at local level.	X	X	✓	X	∅	(C8) Entire Statute (E5) Article 1 (E10) Article 1	Provisions in (E5) and (E10) do not include lower-level authorities.
C.5 Coordination, cooperation and integration	24. – Establish and properly publicize public meetings or hearings.	X	✓	✓	✓	✓	(B1) Article 57 (C20) Article 7 (D6) Article 36 (D7) Article 10 (E6) Article 27	
C.6 Integration of lower level authorities, bodies and stakeholders	25. – Allow for sufficient and reasonable time for comments on proposed management decisions or actions (e.g. in meetings and in writing).	X	✓	X	X	X	(B1) Article 58	
C.8								

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		
Integrated management of aquatic ecosystems	26.	– Promote international cooperation for effective integrated management of aquatic ecosystems.	✓	✓	✓	✓	X	(A5) Chapter II (A9) Page 70 (B1) Articles 6(3)(k), 9(g), 87 (C2) Article 2(2)(e) (D1) Article 28 (D2) Articles 5(u), 15 (D6) Article 19 (D7) Article 4(f)	
		Fisheries management <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 discards from a fishery – all based on scientific data and maximum sustainable yield and the precautionary principle.	✓	✓	✓	N/A	N/A	(A5) Pages 247–248 (B1) Articles 19–24, 74 (C1) Articles 4–5 and Annex I	
C.10 Fishery management plans	28.	– Ensure authority to institute TACs and to allocate individual quotas is representative, including representatives from lower levels of government.	X	✓	∅*	N/A	N/A	(B1) Articles 10(e)(f), 19 (C2) Article 18(2)(l)	Provision in (C2) empowers the Directory of Fisheries and Aquaculture to propose TACs.
C.17 Monitoring and review	29.	– Ensure procedure for TACs outlines the category of vessels to which the TAC applies; period of time for which the TAC is declared; process for sub-dividing the TAC into individual quotas; timeline, authority and participatory process for periodic monitoring and review.	X	✓	X	N/A	N/A	(B1) Articles 21–24	

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		
	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	✓	●*	N/A	N/A	(b1) Articles 12(e) and 61(1)(c)	
	33.	– Outline the ability to institute additional catch controls (e.g. bag limits for recreational fishing), including the authority responsible for allocating, issuing and regulating quotas, and the procedure to be followed.	X	X	X*	N/A	N/A		
		<i>Effort/input controls</i>							
C.9 Controls on fishing operations C.10 Fishery management plans C.17 Monitoring and review	34.	– Define a broad fishing license scheme to regulate access to fisheries and fishing vessels with timeline, authority and process for renewing the license, monitoring and compliance, and permit suspension and revocation of the license for non-compliance.	✓	✓	✓*	N/A	N/A	(A5) Page 242 (b1) Articles 40-49, 52-62, 117-121 (c11) Articles 23-31 (c20) Entire Decree (c21) Article 42	
	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 10(m)-(o), 40-49, 52 (c2) Article 18(2)(f) (c20) Entire Decree	
	36.	– Outline process for establishing provisions for effort controls (e.g. limitation on vessel capacity, on expansion of fishing fleet, on allowable days spent at sea).	✓	✓	✓*	N/A	N/A	(A5) Pages 242-245 (b1) Articles 25-30 (c1) Article 7 and Annex II	

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		
	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	(A5) Pages 242–245	
	38.	– Empower the designated authority to establish additional regulations for licensing.	X*	X	X*	N/A	N/A		
	39.	– Empower authority to regulate effort controls and respective parameters.	X*	✓	●*	N/A	N/A	(B1) Articles 10(g) and 12(f), 25–30	
	<i>Fishing gear and method controls</i>								
C.9 Controls on fishing operations C.10 Fishery management plans C.17 Monitoring and review	40.	– Establish requirements on fishing gear and methods that are permitted for use within a given fishery or area, including related technical specifications (e.g. general prohibitions on types of gear, methods, specifications on gear design, minimum mesh sizes).	✓	✓	✓	N/A	N/A	(A10) Page 163 (B1) Articles 95, 107–116 (C1) Article 9, 14 (C12) Articles 19–21, 24 (C15) Entire Decree (C16) Entire Decree (C21) Articles 30–31, 35–37	
	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 104–106 (C1) Article 14(1)(f)(g) (C12) Article 25 (C21) Article 31(2)(g)	
	42.	– Outline requirements aimed at reducing negative impacts of fishing methods and gear (e.g. prohibition of trawling in areas with sensitive seabed habitat, require use of biodegradable nets, restrict the use of FADs or require use of bycatch reduction devices).	✓	✓	✓	N/A	N/A	(A10) Page 163 (B1) Articles 107–116 (C1) Article 14(1)(c)(d)(q) (C11) Article 22 (C21) Article 20	

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
	<i>Spatial and temporal controls</i>								
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	✓	✓*	N/A	N/A	(b1) Articles 72, 89–90 (c1) Articles 10, 11	
	44.	– Empower authority to define spatial and temporal controls and the procedure.	X	✓	X*	N/A	N/A	(b1) Articles 10(c)(h), 72	
	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) Articles 33, 89–90 (c1) Articles 10, 11 (c11) Articles 18–19	
	<i>Fishery management plans</i>								
C.9 Controls on fishing operations C.10 Fishery management plans C.17 Monitoring and review	47.	– Designate authority with power and responsibility to develop, approve, adopt and publicize a FMP, clearly outlining the roles and responsibilities.	X	✓	✓*	N/A	N/A	(b1) Articles 10(a), 11–18 (c2) Article 18(2)(f) (c21) Articles 5–12	
	48.	– Ensure FMPs and measures comply with established integrated management plans for aquatic ecosystems involving e.g. protected areas or critical habitat.	X	✓	✓	●*	●*	(b1) Articles 13–14 (c21) Article 9	
	49.	– Establish process for approval, adoption and publication of FMP with its periodic review.	X	✓	✓*	N/A	N/A	(b1) Articles 11–18 (c21) Articles 5–12	
	50.	– Detail process of drafting FMP, including multi-level and multi-sector collaboration and consultation with stakeholders, and a	X	✓	✓*	N/A	N/A	(b1) Articles 11–18 (c2) Article 18(2)(f)	

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		
	participatory transparent process for monitoring and reviewing the FMP at a minimum within five years of their development.						(c21) Articles 5–12	
51.	– List the minimum requirements in the FMPs:	X	✓	X*	N/A	N/A	(b1) Article 12(b)	
	(a) management objectives that take into account EAF;	X	✓	X*	N/A	N/A	(b1) Article 12(a)–(d)	
	(b) biological description of fishery and ecosystem in which it takes place;	X	✓	X*	N/A	N/A	(b1) Article 13(2)	
	(c) social, economic and institutional aspects of the fishery;	X	✓	X*	N/A	N/A	(b1) Article 12(i)	
	(d) species composition and levels of bycatch, both retained and discarded;	X	X	X*	N/A	N/A		
	(e) ecological relationships between harvested, dependent and associated species;	X	✓	●*	N/A	N/A	(b1) Article 12(j)(l)	
	(f) impact of other anthropogenic activities on the ecosystem; and	X	✓	●*	N/A	N/A	(b1) Article 14	
	(g) a review of the relationship with other coastal or marine resource management plans.	X	✓	●*	N/A	N/A		
	Conservation measures							
C.14 Habitat and biodiversity conservation and restoration	52. – Incorporate the consideration of habitat and biodiversity in the processes for establishing management measures (e.g. outline habitats and species related to the fishery and take measures to limit the negative impacts of fishing on them) or gear regulations.	✓	✓	✓*	✓*	X	(A5) Page 1199 (A10) Pages 164–165 (b1) Articles 13, 65–67 (c1) Article 14(1)(2) (c21) Articles 21–22 (p2) Articles 6–11, 16–36 (p7) Article 13	
	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) Articles 71(4), 75 (c1) Article 14(1)(k) (c12) 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		
	protections and regional and international conservation and management measures.						(c21) Article 29 (E4) Entire Regulation	
54.	– Ensure coordination between the various authorities involved in marine environment protection.	✓	✓	✓*	●*	X	(b1) Article 213 (c2) Article 19(2)(f)(h)	
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	✓	✓*	●*	∅	(b1) Articles 69–71 (c12) Article 15 (c21) Article 21 (d2) Article 11(j) (d7) Article 13(2)(a) (E4) Entire Regulation	(E4) provides the list of species that are endangered, threatened with extinction, vulnerable, and invasive.
	(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	(A5) Page 1199 (A9) Page 72 (b1) Articles 78–88 (d1) Articles 7–29 (d7) Article 14	References in (A5) calls for the creation of at least two marine conservation areas. Reference in (A9) does not detail the type of protected areas.
	(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	∅*	✓*	∅	(A3) Page 2954 (b1) Articles 66(e)(g), 67(c) (c21) Article 22 (d2) Articles 11(k)(l), 36 (d7) Article 13(2)(b) (E9) Entire Regulation	Provision in (c21) cross-refers to decree to define measures of rehabilitation of marine areas and degraded aquatic areas.

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
								(E9) creates the Environmental Fund.
	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*	✓*	∅	(A4) Entire Programme (A9) Page 72 (B1) Article 220(2)(b) (D1) Article 19(1)(f) (D7) Article 20 (E9) Entire Regulation	References in (A4) and (A9) do not address biodiversity restoration and do not provide for the establishment of funds. (E9) creates the Environmental Fund.
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.	✓	✓	✓	✓	✓	(A3) Page 2952 (B1) Articles 66(f), 91–94 (C2) Article 19(2)(m) (C21) Articles 23–24, 38–41 (D3) Article 17 (D5) Article 24 (D7) Article 19 (E7) Entire Regulation (E8) Entire Regulation	
	(b) promote energy efficiency and reduce emissions that are applicable to fishing vessels, merchant shipping vessels and extractive industries, including through fuel efficiency standards, vessel size limitations and equipment restrictions for fishing vessels.	X*	X*	X*	X	X		
	(c) prevent and eliminate ghost fishing with the prohibition of the abandonment of fishing gear, notification of	X	✓	✓	X	X	(B1) Articles 95(2)(d), 99 (C2) Article 19(2)(n)	

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		
	authorities when fishing gear is lost, regulation of materials used in the manufacture of gear.						(c21) Article 34	
	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	(p2) Article 24 (b1) Articles 75(2), 80(2)(a), 81(2)(b), and 201(2)(b)	
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.	✓	∅	∅	✓	✓	(A1) Page 6500–6504 (b1) Article 14 (5) (c21) Articles 23(1)(c)(d), 24 (p5) Entire Law (E11) Entire Regulation	Provision in (b1) requires coordination of emergency plans to respond to unforeseen situations that cause damage to aquatic biological resources and/or their ecosystems especially in the oil industry but does not regulate the activity itself. Provision in (c21) classifies petrol exploitation and aquatic mining as polluting activities but cross-refer to regulation the pollution prevention measures.

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		
	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).	✓	✓	✓	✓	✓	(A9) Page 72 (B1) Article 95(2)(a) (C19) Article 31(2) (D2) Article 35 (D5) Article 24(2) (D7) Articles 11, 15 (E3) Article 7 and Annex II (E6) Article 119 (E11) Articles 17(1)(g), 22(1)(j) and 27(1)(c)	
	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*	✓	✓	(D7) Article 16 (E3) Article 14	
	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*	∅	✓	(D7) Article 16 (E3) Entire Regulation	Provision in (D7) cross-refers to legislation to define the process and modalities of EIA.
		Fishery monitoring and research							
C.13 EAF research	63.	– Establish research programme for furthering the knowledge and understanding of EAF.	✓	✓	✓*	∅	●*	(A6) Pages 271–272 (B1) Articles 128–137 (C1) Article 28 (D2) Articles 37–46	Provisions in (D2) concern scientific research that is relevant for the EAF, but not

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
									directly related to it.
	64.	– Designate authority for conducting and involving stakeholders in the research programme.	✓	✓	✓*	✓	●*	(A6) Pages 271–272 (B1) Articles 7(c), 134 (C1) Article 28 (C10) Article 4 (D1) Article 28 (D2) Article 11(r)(s)	
	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	✓	●*	∅	●*	(B1) Articles 128–129 (D2) Articles 37–38	Provisions in (D2) concern scientific research that is relevant for the EAF, but not directly related to it.
	66.	– Consider the findings of the EAF research in the adoption of conservation and management measures.	✓	✓	✓*	✓	●*	(A6) Pages 271–272 (B1) Articles 13, 20(1), 76 (C4) Article 2 (C10) Article 4 (C21) Article 21 (D2) Article 17	
		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	X	✓	✓	N/A	N/A	(B1) Articles 138–141, 144(1)(a), 151-153, 225 (C1) Article 31 (C12) Article 32	

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		
		data and the collection of scientific samples, or may include the authority to register and/or report violation of management measures).						(c14) Entire Decree (c18) Articles 5-10	
	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) Articles 141, 153, 225 (c1) Article 31 (c14) Article 11	
	69.	– Design the scheme in line with regional or international requirements, taking into account relevant regional observer programs.	X	X	✓	N/A	N/A	(c1) Article 24 (c14) Article 15	
	70.	– Ensure VMS is required for vessels licensed to fish in national waters and ABNJ, detailing specific categories of fishing vessels and/or fisheries to which it applies.	X	∅	✓	N/A	N/A	(b1) Articles 143(2)(e), 145(2), 149 (c1) Article 30 (c22) Entire Decree	Provision in (b1) requires the master of the vessel to keep the VMS operational and to repair it but cross-refers to regulations the categories of fishing vessels to which it applies.
	71.	– Ensure reporting of catch and effort data, clearly identifying the vessels that are expected to report (at least all commercial fishing vessels that fish within national waters and all nationally-flagged vessels authorized to fish within waters under national jurisdiction and in ABNJ), to whom they are required to report (the designated authority), the frequency and timing of their reports, and the method or format in which they are required to report (e.g. weight of fish caught, including percentage of bycatch, species, dates of fishing, fishing zones, gear/methods	X	∅	✓	N/A	N/A	(b1) Articles 147–148 (c1) Articles 24, 29, 40(f) (c12) Article 7(a) (c21) Articles 84–94	(b1) cross-refers to regulations for detailing the requirements on reporting of catch data.

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		
	employed, type of vessel, time of departure from national waters and catch status at that time).							
	72. – Ensure the establishment and maintenance of a record of fishing vessels licensed to fish in waters under national jurisdiction and nationally flagged vessels authorised to fish in ABNJ with the designation of the authority responsible for its maintenance and information to be recorded for each category of vessel.	✓	✓	✓	✓	N/A	(A6) Pages 241–242 (B1) Articles 144(1)(b), 157, 164 (C12) Articles 28–30 (C21) Articles 71–76 (D3) Articles 28–41	
	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.	∅	✓	∅	N/A	N/A	(A6) Pages 241–242 (B1) Article 162 (C21) Article 72	References in (A6) and provision in (C21) do not include all the information outlined in this requirement.
	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	(A6) Pages 241–242, 252 (B1) Articles 157, 162 (D3) Articles 28-41	
	75. – Detail the specifications for marking vessels and fishing gear in accordance with internationally approved standards.	X	✓	✓	N/A	N/A	(B1) Articles 102, 122, 158 (C21) Articles 43, 64, 68–69	
	76. – Ensure cooperation and coordination between fisheries and maritime authorities throughout the registration process.	X	X	∅	N/A	N/A	(C21) Article 44	Provision in (C21) concerns the transmission of information from

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
								the Ministry of Fisheries to FAO and regional organizations.
	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.	∅	✓	✓	N/A	N/A	(A2) Page 230 and 270 (B1) Articles 224, 226–227, 229–230 (C18) Articles 20–34 (C21) Articles 87(1), 96, 108(d)	
	78. – Ensure the controls placed on landing and transshipping of fish, both at sea and in port, and by national and foreign vessels, is in accordance with regional and international instruments.	∅	✓	✓	N/A	N/A	(A6) Page 249 (B1) Articles 123, 146 (C1) Article 15 (C21) Articles 109–116	References in (A6) do not include transshipment requirements.
	79. – Provide additional VMS specifications and specific details on the registration process.	X*	∅	✓	N/A	N/A	(B1) Article 149(4) (C22) Entire Decree	(B1) cross-refers to regulations for detailing technical specifications on VMS.
	Enforcement processes and sanctions scheme							
C.12 Offences, penalties and administrative and judicial processes	80. – Detail the fisheries-related offences (civil or criminal) and corresponding penalties, weighted depending on the level of severity of the offence but outlined in a way that maintains their strength over time (e.g. utilize formulas such as a percentage of the total market value of the sale of the illegal catch, or penalty units).	X	✓	✓	✓	✓	(B1) Articles 231–246 (C1) Articles 33–39 (C11) Articles 34–35 (C12) Articles 33–34 (D1) Articles 38–48 (D2) Articles 160–170 (D6) Articles 72–74 (E6) Articles 112–115	

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		
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 247–249 (p2) Articles 171–188 (c18) Articles 37–45 (e6) Article 116	
82.	– Establish judicial processes used for determining and confirming offences and applying relevant penalties to the offending parties, allowing for a right of appeal.		X	✓	X	✓	X	(b1) Articles 260–261 (p2) Article 193	

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 Angola. 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 the EAF.

For more information:

The EAF-Nansen Programme

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ISBN 978-92-5-136873-2



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CC2010EN/1/09.22