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Legal report on the ecosystem approach to fisheries in Gabon

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

FAO EAF-Nansen Programme Report No. 55
EAF-N/PR/55 (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 together suggest the silhouettes 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.

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policy and legal instruments of Gabon**

By Julia N. Nakamura and Teresa Amador

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Programme report

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Abstract

Legislating for an ecosystem approach to fisheries (EAF) is complex, due to the holistic nature of EAF involving multiple factors that underpin the social, economic, environmental, and institutional aspects of fisheries sustainability. These factors include ecosystems integration, risks, inter-sectoral collaboration, research, participatory processes, monitoring, control, surveillance, and enforcement, among others. To assess how an EAF is being implemented through national policy and legal frameworks, FAO developed [*A diagnostic tool for implementing an ecosystem approach to fisheries through national policy and legal frameworks*](#).

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

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

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The initial draft of this EAF Legal Report was prepared by Julia Nakamura, under the supervision, counsel and technical input of Pio Manoa, and extensively reviewed by Teresa Amador. Further improvements were made through the inputs and comments collected from participants in an FAO internal online mock-training in April 2020, in which the methodology and scope were clarified. Appreciation is extended to Blaise 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.

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Abbreviations and acronyms

EAF	ecosystem approach to fisheries
EIA	environmental impact assessment
FAO	Food and Agriculture Organization of the United Nations
FAA	Fisheries and Aquaculture Administration (of Gabon)
FMP	fishery management plan
IMO	International Maritime Organization
IUU	illegal, unreported and unregulated (fishing)
MCSE	monitoring, control, surveillance and enforcement
MPA	marine protected area
NGO	non-governmental organization
RFMO/A	regional fisheries management organization and/or arrangement
TAC	total allowable catch
VMS	vessel monitoring system

1. Introduction: legislating for an ecosystem approach to fisheries

The Food and Agriculture Organization of the United Nations (FAO) has promoted the implementation of the ecosystem approach to fisheries (EAF) through various activities conducted over the last decades (FAO, 2019), many of which under the EAF-Nansen Programme (FAO, n.d). Among the many ways or processes through which the EAF can be implemented is the review of national policies and/or legislation, which provides a country the opportunity to reassess its respective policy and legal frameworks, identify the gaps and/or needs for improvement, and present recommendations for enacting new policy and/or legal instruments for an EAF, and/or amending the existing ones so that they are appropriately aligned with an EAF.

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

1.1 A diagnostic tool for implementing an ecosystem approach to fisheries through national policy and legal frameworks

The latest material developed by FAO for the implementation of an EAF through national policy and legal frameworks, published in 2021, is [*A diagnostic tool for implementing an ecosystem approach to fisheries through national policy and legal frameworks*](#) (hereafter referred to as "EAF Legal Diagnostic Tool" (FAO, 2021a; FAO, 2021b; FAO, 2021c). This tool, which constitutes the basis for the development of the present report, provides important information about the EAF and should be read together with this report. Such relevant information includes a non-exhaustive list of international legal instruments that support an EAF (Appendix A of the EAF Legal Diagnostic Tool), and a non-exhaustive list of examples of selected national policy and legal instruments relevant for an EAF (Appendix B of the EAF Legal Diagnostic Tool).

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

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

There are several international legally binding and non-legally-binding instruments that provide for an EAF. The Appendix A of the EAF Legal Diagnostic Tool highlights, in a non-exhaustive list, selected provisions of international instruments or decisions relevant for an

EAF. Other legally binding instruments in support of an EAF are the applicable conservation and management measures of regional fisheries management organizations/arrangements (RFMO/As) which should also be taken into account, on a country-by-country basis, in the assessment of a given country’s EAF commitments.

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

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

In light of these considerations, Table 1 below provides the present status of Gabon 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 Gabon in selected international legally binding instruments relevant to an EAF	
Instrument	Status
1971 Ramsar Convention on Wetlands of International Importance (Ramsar Convention)	Party
1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora	Party
1979 Convention on the Conservation of Migratory Species of Wild Animals	Party
1982 United Nations Convention on the Law of the Sea	Party
1992 Convention on Biological Diversity	Party
1993 Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (Compliance Agreement)	Not a Party
1995 United Nations Agreement for the Implementation of the Provisions of the LOSC relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA)	Not a Party
2009 Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA)	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 Gabon **is a Party**, and to the non-binding instruments that Gabon has endorsed or adopted, it is important to ensure that the relevant provisions of an EAF highlighted in Appendix A of the EAF Legal Diagnostic Tool are properly reflected in the national policy and legal frameworks.

With regard to the 1993 Compliance Agreement and the 1995 UNFSA that Gabon 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.

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

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

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

2.1 Methodology and scope

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

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

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

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

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

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

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

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

Table 2. Summary of the stepwise assessment		
Steps	National policy and legal instruments analysed	Scope
1 st	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.
2 nd	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.
3 rd	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.
4 th	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.
5 th	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 Gabon

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 Gabon (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. ²
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 Gabon.

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 Gabon Constitution of 1991, as last amended in 2018, were considered particularly relevant in incorporating the EAF legal requirements. These parts and legal provisions which, without prejudice to others that may also be relevant, were considered good examples of addressing an EAF (in the case of a policy instrument) or legislating for an EAF (in the case of a legal instrument), have been highlighted in the main findings under subsection 2.2 below as good practice in legislating for an EAF.

² A more in-depth analysis will be required to understand how EAF legal requirements filled in with the ∅ symbol could be fully incorporated in legal and policy instruments or reflect potential contradictions between one legal and/or policy instrument and another. Such analysis goes beyond the scope of this desk-based preliminary assessment.

2.2 Overview and main findings

This subsection provides an overview of the main findings of this desk-based preliminary assessment of the EAF in the selected national policy and legal instruments of **Gabon** presented under **Appendix B**.

2.2.1 Fisheries policy

The assessed five fisheries policies correspond to A1 to A5 in Appendix A. They cover **19** of the 82 EAF legal requirements.

The *2017–2019 Plan d'actions national sur l'utilisation durable de la faune sauvage par les populations locales au Gabon* [National Action Plan on the sustainable use of the wild fauna by local populations in Gabon] aims to facilitate the implementation of other approaches for the management of natural resources, based on biodiversity conservation, food security, and enhancement of local communities' livelihoods (Pages 5–6). The General Directory of Fauna and Protected Areas is in charge of, *inter alia*, the development and implementation of national policies and of a regulatory framework on the management of wild fauna and protected areas, awareness-raising and education of local communities with respect to biodiversity preservation and sustainable development of wildlife (Page 7). This policy has four strategic axis (research and knowledge management; policies, laws, regulations, institutions and technical rules; promotion, enhancement of sectors of wildlife products and other alternative products; community management of wildlife) and is guided by six principles, namely, governance, participatory management, gender, communication, education and public awareness, training, access and benefit-sharing from the exploitation of natural resources (Page 11). It also provides a matrix with planned actions, priorities, identification of the financial resources available and to be allocated and the respective responsible authorities involved (Pages 13-18). Within these actions are the establishment of a multi-sectoral or inter-sectoral platform of dialogue on the sustainable development and enhancement of wildlife (Page 14), and the development of a programme for capacity-building over the management of hunting community territories (Page 18).

The *2011–2016 Plan Stratégique Gabon Émergent* [Strategic Plan of Emerging Gabon] includes a strategic objective of establishing a new model of development that integrates human wellbeing, social equity, sustainable growth and environmental conservation (Page 25). To achieve this objective, the Plan provides for four programmes, including one on awareness-raising and preservation of natural resources, with, *inter alia*, a data centre on natural resources and an inventory of fishery resources and aquatic ecosystems (Pages 25–27). An environment sectoral plan includes actions for combatting pollution and nuisances, and the functioning of an Itinerant Environmental Surveillance Brigade (Pages 32–33). Another relevant action for an EAF is the control of the maritime space through cooperation between Gabon and other coastal States with a view to implement policies on maritime security and marine environmental protection and fighting against Illegal, Unreported and Unregulated (IUU) fishing (Page 47). This Plan also includes the strategic objective of promoting the sustainable exploitation and enhancement of fisheries resources (Pages 97–102), with a

sectoral Fisheries and Aquaculture Plan, which, *inter alia*, fosters professionalisation and training in fishers (Page 102).

The *2011–2016 Plan Stratégie pour le développement durable de la pêche et de l'aquaculture* [Strategic Plan for the sustainable development of fisheries and aquaculture] has the main objective of sustainably developing the fisheries sector with a view to ensure its contribution to the national socioeconomic growth and development, including through environmental knowledge, management and protection as well as the social, institutional and economic sustainability (Page 17). This Plan's specific objectives include planning the sustainable management of fisheries resources; improving the system of protection of fisheries resources; strengthening regional and international cooperation in fisheries; strengthening the involvement of nationals in fishing and aquaculture; and strengthening the managerial capacities of the sector (Page 20). It also provides for a new approach in the development of artisanal fisheries and continental aquaculture, with, *inter alia*, participatory management of the fisheries resources, inclusion of women in transformation activities and marketing of catches, and establishment of management plans in consultation with the various stakeholders, including local communities (Pages 55–56).

The *2004 Lettre de politique sectorielle foret, pêche et aquaculture, aires protégées, environnement et formation* [Sectoral policy letter for forestry, fisheries and aquaculture, protected areas, environment and training] has an important component on the management of national parks, which is based on a decentralised institutional framework, with inter-sectoral and technical coordination on conservation, protection, surveillance, monitoring and research (Page 16), capacity-building of the civil society to support conservation activities, and promotion of community initiatives for biodiversity conservation (Pages 17–18). For the fisheries sector, this policy provides for, among other matters, the resting of overexploited areas and redeploing fishing activities in resources and areas that are still underexploited; promoting sustainable aquaculture; completing and strengthening the monitoring, control and surveillance (MCS) system (Page 22). In relation to the environment, this policy provides for the development, in collaboration with other ministries, of the National Emergency Plan in the event of oil pollution at sea; contribution to the development of the land use plan by drawing up maps of vulnerable areas; participation in the development and implementation of an awareness program for the population on environmental problems; coordination for the establishment of an operational capacity building program; and the promotion of synergy between the administration and local and international NGOs (Page 33).

The *1999 Stratégie nationale et plan d'action sur la diversité biologique du Gabon* [National strategy and plan of action on biological diversity] includes the following guiding principles: interdependency of all forms of animal, plant, and human life; responsibility of all people from Gabon to contribute to biodiversity conservation, appreciate its value, and participate in decisions relating to the conservation of biodiversity; the management of resource must take into account the maintenance of ecological balances; the maintenance of healthy ecosystems is necessary for the *in situ* conservation of biodiversity; and traditional cultural knowledge and practices must be considered, exploited and preserved, with the joint support and participation of populations and public and private actors (Page 13). This policy provides for a

Biodiversity Observatory, whose coordinator is responsible for, *inter alia*, implementing the procedures of monitoring and evaluation (Pages 75–76). It also contains matrices with each of the policy's objectives being associated to options of action and the respective institutions involved in the technical and financial support, as well as their monitoring (Pages 92–99).

2.2.2 Fisheries primary legislation

The assessed two fisheries primary legislation correspond to B1 and B2 in Appendix A. They cover **21** of the 82 EAF legal requirements.

The main fisheries primary legislation is the *Loi No. 015 de 2005 portant Code des pêches et de l'aquaculture en République Gabonaise* [Fisheries and Aquaculture Code]. According to this Code, the management of fishery resources is the form of exploitation which, while extracting them, maintains their biological diversity, their productivity, their capacity to regenerate and to ensure, in a sustainable manner and without prejudice to established ecosystems, relevant economic, ecological, social, cultural and scientific functions (Article 8). The sustainable management of fisheries and fishery resources is to be achieved through, *inter alia*, the conclusion of treaties and cooperation agreements relating to fisheries and aquaculture, in particular as regards the management of cross-border stocks and the surveillance of fishing activities; establishment of institutional mechanisms encouraging the participation of fishermen in the management of resources according to appropriate modalities; and prevention of conflicts among fishermen (Article 10). The Fisheries and Aquaculture Administration (FAA) is required to develop fisheries management plans (FMPs), after advice from experts and approved scientific institutions and consultation with the main socio-professional categories concerned, and to create research units and support research organizations with a view to building up databases to facilitate the development, planning, exploitation and cooperation in fisheries and aquaculture (Article 12). The FAA is also responsible for establishing and maintaining, in the terms to be established by regulation, a register of industrial fishing vessels (Article 15).

The Fisheries and Aquaculture Code provides for a fishing licensing scheme (Articles 18–29), clarifying that the fishing licences are issued by the Ministry in charge of fisheries and aquaculture, under the advice of a technical commission (Article 19), and that the details on licences' conditions, suspension and other related matters are to be provided by regulation (Article 20) as well as the terms of the register of fishing vessels (Article 22). Holders of licence, permit and agreement or authorisation are subject to monitoring and control requirements, including having observers on board the fishing vessels, reporting catch data and entry and exit from the fishing zones (Article 24). The establishment of any industrial unit on the national territory is subject to an investment plan, which must include an environmental impact assessment (EIA), and whose content is to be defined by order of the Ministry responsible for fisheries and aquaculture (Article 46). An EIA may also be required prior to the development of any activity, such as installations or structures in an aquatic environment which may affect the interests of fishing and aquaculture, destroying spawning grounds or areas of growth or feed (Articles 50–52). The preservation of aquatic species and ecosystems is ensured by, *inter alia*, the creation of protected areas (Article 49). Protected areas include aquatic reserve,

marine park and sanctuary, and the initiative to classify or downgrade aquatic protected areas belongs jointly to the FAA and to the populations of the area concerned, customary use rights and all other activities (Articles 54–65). The Code also provides that the Ministry in charge of fisheries and aquaculture is responsible for MCS, as well as related supervision and coordination activities (Article 70). It identifies the officers with surveillance powers (Article 72) and outlines their powers with respect to research and enforcement (Articles 76–89). Violations of laws and regulations concerning fisheries and aquaculture are recorded in an administrative process, the details of which are to be provided by regulation (Article 88)

The *Loi No. 002 de 2007 portant création, organisation et fonctionnement du Centre des Métiers de la Pêche et de l'Aquaculture* provides for the creation, organization and functioning of the Fisheries and Aquaculture Trade Centers (Article 1).

2.2.3 Fisheries secondary legislation

The assessed nine fisheries secondary legislation corresponds to C1 to C9. They cover **17** of the 82 EAF legal requirements.

The *Décret No. 0579-PR-MPE du 30 novembre 2015* ('hereinafter referred to as the 'Fisheries Decree') regulates the fishing licensing scheme. It clarifies that the fishing licences, authorisations and permits are valid for a period of one year, renewable, except for sport fishing, scientific fishing and fishing for ornamental purposes (Article 4). Fishing licences are subject to catch quotas (Article 5). Various fishing methods are prohibited by this decree, including: harpoons, arrows or any other device driven by a gas or an explosive; fishing carried out by a person equipped with a gas breathing apparatus, a diving suit or a device allowing a longer immersion than that permitted by natural breathing alone; monofilament nets; trammel nets and nets having unauthorised dimensions; seines in artisanal fisheries; as well as capture of gravid crustaceans and fish subject to full or seasonal protection; and the discards of fish, crustaceans or cephalopods at sea (Article 9). Restrictions on fishing effort are also provided through the prohibition of artisanal fishing vessels with motor of more than 40 horsepower (Article 10).

The Fisheries Decree also establishes five fishing zones, where specific types of fishing are allowed (Articles 56–63). The development or execution of works in continental marine waters, likely to destroy mangroves, spawning grounds, growth or feeding areas, are subject to the prior opinion of the responsible minister and to an EIA as the case may be (Article 67). Any unauthorized discharge or discharge into marine or continental waters of toxic or other substances, which may have adverse consequences on resource quality is prohibited (Article 68). With respect to MCSE, this decree requires all registered fishing vessels and fishing gear to be identified and marked according to international rules (Article 69). All licenced fishers must provide to the fisheries administration all the catch data (Article 74) and the master of the fishing vessel must provide the fishing logbook with information on all catches (Article 75). All licenced fishing vessels authorised to fish in areas under Gabon's jurisdiction must have observers on board, and the master of the fishing vessels is responsible for ensuring the observers' physical and moral security (Articles 78–81).

The *Décret No. 0294-PR-MAEDR du 30 juin 2010* outlines the powers of the Ministry of Agriculture, Livestock, Fisheries and Rural Development with respect to fisheries (Article 2). In particular, the responsibilities of the General Directorate of Fisheries and Aquaculture include: to prepare, propose and apply all measures relating to the implementation of general and specific objectives on the management of fishery resources; implement and ensure the monitoring of programs, regulations and other activities intended to promote the balanced planning and development of the fishing sector; control, in collaboration with other competent administrations, the fishing zones; prepare and implement regulations on fishing and aquaculture; promote fishing and aquaculture activities; ensure, together with other competent administrations, the traceability and management of fishery products; and cooperate on fisheries matters (Article 81). The Directorate of Artisanal Fisheries is in charge of, *inter alia*, ensuring technical assistance and advice to promoters of the sector, and promoting techniques of management, conservation, organisation and exploitation of coastal and continental fisheries (Article 94).

The *Décret No. 01397/PR/MAEPDR du 6 décembre 2011 portant réorganisation de l'Inspection Générale des Services du Ministère de l'Agriculture, de l'Élevage, de la Pêche et du Développement Rural* provides for the reorganization of the General Inspection Services of the Ministry of Agriculture, Livestock, Fisheries and Rural Development (Article 1).

The *Décret No. 00176/PR/MEFPE de 2005* requires all fishing vessels operating in areas under Gabon's jurisdiction to install on board a position and location fishing device in perfect state of functioning (Article 2). The master or owner of the fishing vessel must ensure that such device is permanently operational to allow all information concerning its position and location to be transmitted to the fisheries administration (Article 3).

The *Décret No. 692/PR/MEFEPEPN du 24 août 2004* prohibits the exercise of customary fishing rights in protected areas or by means of prohibited products and techniques, in particular drugs, poison or toxic products and explosive devices (Article 8). The same provision, however, also provides that the instruments that classify protected areas must determine the watercourses and bodies of water likely to accommodate the exercise of customary fishing rights by the population living in these protected areas (Article 8).

The *Décision No. 4/MEFEPEPN du 6 janvier 2003* establishes a closed season for sardine fishing (ethmalose): *Ethmalosa fimbriata*, from 1st September until 31 October every year in a delineated area from Donguila to the Komo estuary (Article 2).

The *Décret No. 185/PR/MEFCR de 1987* details the administrative process for determining and confirming the offences, as well as the conditions for competent enforcement agents to inspect and size objects and products.

The *Arrêté No. 0076/MEFCR/DGEF/DPMC* de 1986 prohibits the use of beach seines in all national territory (Article 1) as well as the monofilament net of mesh size inferior to 40 mm (Article 2).

The *Arrêté No. 0130 PM/MEF/DGEF* de 1979 prohibits bottom trawl fishing in the estuary of Gabon, the lagoon of Fernan-Vaz, and the lagoon Banlo (Article 1).

2.2.4 Other sectors primary legislation

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

In accordance with the Constitution of Gabon, whose Article 47 provides for the establishment of rules concerning the environment, the *Loi No. 007 du 01 août 2014 relative à la protection de l'environnement en République gabonaise* (hereinafter referred to as 'Environment Law') establishes the specific provisions applicable to environmental protection (Article 1). It is founded on the principles of preservation and sustainable use of natural resources, fight against pollution and nuisances, improvement and protection of life, promotion of new values and activities generating revenues related to environmental protection, and harmonisation of development and safeguard of the natural environment (Article 2). The national economic, social and cultural development plans as well as the enhancement of the cultural and architectural heritage must follow, *inter alia*, the precautionary principle, which is clearly defined therein (Article 7). The National Environment Commission is in charge of harmonizing the different public policies with respect to environmental issues, and coordination and monitoring of environmental actions (Article 9). The Environment's Safeguard Fund is dedicated to, among others, the rehabilitation of degraded zones and polluted sites, awareness-raising campaigns on environmental issues, support to local communities and NGOs recognised as intervenient in the environmental domain (Article 11).

The Environment Law provides for the national environmental plan, which must be developed, revised and re-evaluated, as required, taking into account the existing strategies, programmes and national plans, notably those concerning climate, territorial management and development, poverty reduction and agricultural development (Article 18). All citizens have the right of access to information concerning the environment and health, and the State has the duty to inform the population with respect to the State's environmental and socioeconomic data (Articles 23–24). The industrial, urban, rural or mining works undertaken by public or private actors, with potential impact on the environment due to their size or ecological impact, must be subject to an EIA (Article 30) and a public hearing (Article 38). It is prohibited the spill, immersion, incineration in national maritime waters of substances of any kind, the list of which is to be established by regulation and which are likely to damage human health and marine living resources, interfere with maritime activities including navigation, aquaculture and fishing; alter the quality of maritime waters, and degrade the leisure values and the tourist potential of the sea and the coast (Article 59). It is also prohibited the extractions of materials which risk directly or indirectly compromising the integrity of beaches, natural areas of fauna and flora, and the constructions close to sensitive coastal natural areas or close to the shore (Article 64). The Environment Law also provides for protected areas,

which include marine protected areas (MPAs), the creation, classification and delimitation of which is to be determined by regulation (Articles 78–79).

The *Ordonnance No. 0011/PR de 2011* concerns the development of maritime and port activities in Gabon. It requires the adoption of rules on port exploitation, which include measures necessary for the application of legislative and regulatory provisions concerning security, health, safety and protection of the environment at the port (Article 12).

The *Loi No. 3 de 2007* regulates the national parks, aiming to, *inter alia*, create a network of parks representative of Gabon's biological diversity and covering at least ten percent of the national territory; environmental information, education and communication as well as ecotourism and scientific research; and strengthening of subregional and international collaboration and cooperation, in accordance with international conventions (Article 2). The creation, total or partial classification or declassification of national parks must take into account the customary rights of local communities, with prior consultation with the communities and local authorities as well as the scientific committee (Article 4). Any modification in the limits of the national park or its contiguous zone must also be subject to an EIA and the same consultation (Article 8).

The *Loi No. 8 du 15 décembre 1977* concerning the fight against pollution, due to the risks of pollution and nuisances caused by the various industries, prohibits industrial production unit to be installed in Gabon if it has not taken adequate measures to combat pollution and nuisances and obtained, after investigation and advise of the National Anti-Pollution Center, the approval of the Ministers responsible for the Environment and Nature Protection and for Trade and Industry (Article 1). The Law also provides that systematic controls will be carried out in all industrial production units by agents of the competent services of the Ministry in charge of the Environment and Nature Protection (Article 3).

The *Loi No. 13 de 1974* concerning the elimination of waste and reduction of public nuisances provides that the service responsible for the environment is in charge of the inspection and prevention of public nuisances and waste disposed in the biosphere, and for ensuring the public hygiene (Article 4).

2.2.5 Other sectors secondary legislation

The other sectors secondary legislation corresponds to E1 to E7 in Appendix A.

The *Décret No. 161 /PR/MEF du 19 janvier 2011* establishes the conditions for issuance of hunting and capture licences, clarifying the different types of licences, including small hunting permit, large hunting permit, scientific hunting permit, scientific capture permit, commercial capture licence (Article 2). The latter, for instance, must contain, *inter alia*, the zone of capture, targeted species, number of species authorised per species, validation timeframe, names of the chief of mission and persons integrating it (Article 21).

The *Décret No. 000019/PR/MEFEPPN de 2008* regulates the National Agency of National Parks, whose functions include: to implement the national policy for the protection of natural resources and ecological processes as well as for the enhancement of the natural and cultural heritage of national parishes, taking into account the balance and the stability of ecosystems; to put in place the means and procedures for the protection of natural habitats and wildlife, in particular rare or endangered species of fauna and flora, *in situ* and *ex situ*; to approve management plans of each national park and support its implementation; to conclude concession agreements by call for tenders after consultation with the management authority of the park and local communities; to prepare any strategic document relating to the management of parks and the conservation of biological diversity; to coordinate the activities of scientific and technical institutions and associations for the conservation of nature whose progress is also linked to national parks; to facilitate local initiatives in favour of the conservation of biological diversity; to promote general information, education and communication on national parks; and to promote all forms of participatory management of national parks and conservation of natural resources (Article 5).

The *Décret No. 000543/PR/MEFEPEPN du 15 juillet 2005* establishes the legal regime of classified installations, which include: factories, workshops, deposits, mass graves and, in general, public or private, industrial, agricultural, mining, artisanal, commercial or other installations likely to be harmful to health or adversely affect the quality of the environment (Article 2). It details the procedure to follow in the application for an authorisation to develop such classified installations, outlining the requirements, including an EIA (Article 6) and a public hearing (Article 7).

The *Décret No. 000542/PR/MEFEPEPN du 15 juillet 2005* prohibits, *inter alia*, any discharge into surface, underground and marine waters, by direct or indirect discharge or after runoff on the ground or infiltration, of lubricants or oils, new or used, in particular those listed under Article 6, as well the direct discharge of effluents from agricultural operations into surface groundwater or marine waters (Article 12).

The *Décret No. 000539/PR/MEFEPEPN du 15 juillet 2005* provides rules on EIA, requiring the developer or his/her representative to submit the project notice to the Environment Administration in order to develop specific guidelines for the study; organize, for the purpose of developing specific guidelines, a visit to the project site; present the project to the populations living in the project area and in adjacent areas or using simple, concrete and accessible means of communication; organize, for the purposes specified above, public consultations, the notification of which must be made by posting or by any other audio-visual means; and draw up the minutes of the consultation sessions signed, as the case may be, by the local authority or by the Minister in charge of the Environment or their representatives (Article 2). It also lists the projects subject to an EIA, which include activities relating to the fishing sector, in particular aquaculture, industrial fishing, projects along the maritime coasts, including fishing concessions (Article 3).

The *Décret No. 000925/PR/MEFEPEPN du 18 octobre 2005* creates the National Commission

for Sustainable Development, which is in charge of defining the guidelines for a national sustainable development policy; submitting recommendations to the Government aimed at promoting these guidelines within the framework of the objectives set by the United Nations Conference on Environment and Development (Article 3). This Commission is composed by various stakeholders, including representatives from Ministries, members of labour unions and NGOs (Article 4).

The *Arrêté n° 00018/PR/MEFEPEPN du 1 mars 2004* allows activities such as artisanal mining and the construction of small-area diversion ponds, which are of low environmental impact on the soil, water, fauna and flora, to be carried out in buffer zones i.e. five kilometres around a national park, but does not authorise these activities, with the exception of those relating to artisanal aquaculture, inside sensitive parts of a buffer zone such as the sources of rivers, areas with slopes greater than 50 percent, swamps and mangroves (Article 2).

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 Gabon 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, **42** EAF legal requirements were found in Gabon's policy and legal frameworks assessed in this EAF Legal Report. It should be noted that the 82 EAF legal requirements are considered the minimum standards in legislating for an EAF which may be further elaborated and improved in advancing the implementation of an EAF. Based on the present preliminary assessment, **40** EAF legal requirements remain to be incorporated in the policy and legal frameworks of Gabon.

The assessed policy and legal instruments did not provide for conflict management over fisheries nor for the conflict management review process, as required under EAF Component 7. There was also lack of references and provisions on integrated management of aquatic ecosystems and the review of the respective plan, which corresponds to EAF Component 8. A major gap was noted with respect to TAC, additional catch limits and detailed requirements, as well as technical details on fishing licensing, on effort controls, stakeholder consultation in the establishment of temporal and spatial control, as provided under EAF Component 9. Another major gap concerned requirements on FMPs, as the assessed policy and legal instruments only contained very general provisions on this matter. These assessed instruments also lack provisions on the need to comply with established integrated management plans for aquatic ecosystems as provided under EAF Component 10.

In respect of MCSE, which is of particular relevance to the fisheries sector, the assessed policy and legal instruments do not establish a detailed observer scheme, do not provide the scope of the register of fishing vessels nor the details of the information to be recorded, which are to be determined by regulation not yet adopted, do not establish the requirements on the registration process, including the cooperation and coordination among fisheries and maritime authorities, nor the control over landing and transshipping, and do not require a VMS in areas beyond national jurisdiction nor additional VMS specifications and details in the registration process, as part of the legal requirements under the EAF Component 11.

Judicial processes were not found in the assessed policy and legal instruments, as required by EAF Component 12. Ecosystem-based research was another major gap in the assessed policy and legal instruments, indicating misalignment with EAF Component 13. No provisions were found to protect marine mammals, sea turtles and other vulnerable marine species, nor provisions on the restoration of damaged habitats and ecosystems, not in line with EAF

Component 14. Measures to prevent ghost fishing and requirements on authorization prior to introduction of species and prevention of escape of exotic species into the wild were also not found, 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 an EAF in the EAF Legal Report, the following criteria were used:

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

The policy and legal instruments of Gabon, assessed in this Report, incorporate **42** out of the 82 EAF legal requirements, therefore indicating a **low-medium** level of alignment with an EAF.

3.3 Final considerations and proposed way forward

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

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

With respect to the assessed policy and legal instruments, many gaps have been identified which should be addressed to ensure full implementation of an EAF in the country. The following subjects could benefit from a detailed review and update in the relevant policy and legal instruments: “institutional arrangements” (especially conflict management and integrated management of aquatic ecosystems), “control on fishing operations” (especially TACs, spatial controls and fishing efforts), “fisheries management”, “conservation measures” (especially protection of vulnerable species, restoration of damaged habitats and ecosystems,

measures to tackle ghost fishing), “research” and “MCSE” (especially the design of the observer scheme in line with international and regional requirements, the details of the information to be recorded in the register of fishing vessels and the cooperation and coordination in that process, transshipping and landing requirements as well as VMS).

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

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

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

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

Identification Instruments of GABON	
A	Fisheries Policies
A1	2017–2019 Plan d’actions national sur l’utilisation durable de la faune sauvage par les populations locales au Gabon
A2	2011–2016 Plan Stratégique Gabon Émergent
A3	2011–2016 Plan Stratégie pour le développement durable de la pêche et de l’aquaculture
A4	2004 Lettre de politique sectorielle forêt, pêche et aquaculture, aires protégées, environnement et formation
A5	1999 Stratégie nationale et plan d’action sur la diversité biologique du Gabon
B	Fisheries Primary Legislation
B1	2007 Loi n° 002 portant création, organisation et fonctionnement du Centre des Métiers de la Pêche et de l’Aquaculture
B2	2005 Loi n° 015 portant Code des pêches et de l’aquaculture en République Gabonaise
C	Fisheries Secondary Legislation
c1	2015 Décret n° 0579/PR/MPE du 30 novembre 2015 fixant les modalités et conditions d’exercice de la pêche
c2	2011 Décret n°01397/PR/MAEPDR du 6 décembre 2011 portant réorganisation de l’Inspection Générale des Services du Ministère de l’Agriculture, de l’Élevage, de la Pêche et du Développement Rural
c3	2010 Décret n° 0294-PR-MAEDR du 30 juin 2010 portant attributions et réorganisation du Ministère de l’Agriculture, de l’Élevage, de la Pêche et du Développement Rural
c4	2005 Décret n° 00176/PR/MEFPE relatif au suivi des activités des navires de pêche
c5	2004 Décret n° 692/PR/MEFEPEPN du 24 août 2004 fixant les conditions d’exercice des droits d’usage coutumiers en matière de forêt, de faune, de chasse et de pêche
c6	2003 Décision n° 4/MEFEPEPN du 6 janvier 2003 portant institution d’une période de fermeture de la pêche à la sardine
c7	1987 Décret n° 185/PR/MEFCR relatif à la répression des infractions en matière des eaux, forêts, faune, chasse et pêche
c8	1986 Arrêté n° 0076/MEFCR/DGEF/DPMCM interdisant certaines techniques de pêche en République gabonaise
c9	1979 Arrêté n° 0130 PM/MEF/DGEF portant interdiction de la pêche au chalut de fond dans certaines zones
D	Other Sector’s Primary Legislation
d1	2014 Loi n° 007/2014 du 01 août 2014 relative à la protection de l’environnement en République gabonaise
d2	2011 Ordonnance n° 0011/PR/2011 relative au développement des activités maritimes et portuaires en République Gabonaise
d3	2007 Loi n° 003/2007 relative aux parcs nationaux, modifiée par l’Ordonnance n° 007/PR/2017
d4	1977 Loi n° 8/77 du 15 décembre 1977 relative à la lutte contre la pollution
d5	1974 Loi n° 13/74 portant sur l’élimination de déchets et la réduction des nuisances publiques
E	Other Sector’s Secondary Legislation
E1	2011 Décret n° 161 /PR/MEF du 19 janvier 2011 fixant les conditions de délivrance des permis et licences de chasse et de capture
E2	2008 Décret n° 000019/PR/MEFEPPN fixant les statuts de l’Agence Nationale des Parcs Nationaux

Identification Instruments of GABON

E3	2005 Décret n°000543/PR/MEFEPEPN du 15 juillet 2005 fixant le régime juridique des installations classées
E4	2005 Décret n°000542/PR/MEFEPEPN du 15 juillet 2005 réglementant le déversement de certains produits dans les eaux superficielles, souterraines et marines
E5	2005 Décret n°000539/PR/MEFEPEPN du 15 juillet 2005 réglementant les Études d'impact sur l'environnement
E6	2005 Décret n°000925/PR/MEFEPEPN du 18 octobre 2005, portant création, attributions, organisation et fonctionnement de la Commission nationale du Développement durable
E7	2004 Arrêté n° 00018/PR/MEFEPEPN du 1 mars 2004, portant réglementation des activités forestières, minières, agricoles, aquacoles, cynégétiques et touristiques à l'intérieur d'une zone tampon

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	X	(A3) Pages 3–19 (B2) Articles 1–4 (C3) Article 1	
	Principles and objectives								
C.1 EAF concepts C.3 Precautionary approach C.4 Stakeholder participation C.6 Integration of lower level authorities C.7 Conflict management and C.11, C.13, C.14 and C.17	2.	– Clearly define and apply the precautionary approach.	X	X	X*	✓	X	(D1) Article 7	
	3.	– Broaden stakeholder participation with integration of lower level authorities and bodies.	✓	✓	•*	✓	✓	(A1) Pages 5–7, 9, 11 (A3) Pages 55–56 (A4) Pages 18–19 (A5) Pages 13, 71–73 (B2) Article 10 (D1) Articles 3 and 7 (E2) Article 5	
	4.	– Ensure the right of access to fair and transparent information.	X	X	X*	✓	∅	(D1) Articles 3, 23–25 (D3) Article 2 (E2) Article 5	Provision in (E2) does not explicitly mention the right of access to information.
	5.	– Promote institutional coordination, cooperation and integration.	✓	X	✓*	X	✓	(A1) Pages 7, 14 (A2) Pages 141–142	

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
							(A3) Pages 55–56 (c3) Article 81 (E2) Article 5	
6.	– Maintain ecological relationships among harvested, dependent and associated species.	✓	X	X*	✓	X	(A5) Page 13 (D1) Article 3	
7.	– Promote sustainable development and avoid overexploitation of marine living resources.	✓	✓	●*	✓	X	(A1) Pages 5–6, 9 (A3) Page 17 (A4) Page 22 (B2) Articles 8-9 (D1) Articles 2, 7, 63-64, 67	References in (A1) and (A3) lack express reference to the objective of avoiding overexploitation of marine living resources.
8.	– Preserve marine habitat, conserve and restore marine living resources and biodiversity.	✓	✓	●*	✓	✓	(A1) Pages 5–6 (A5) Page 13 (B2) Article 8 (D1) Articles 3–4, 57–58, 63–64, 67 (D3) Article 2 (E2) Article 5	Reference in (A2) lacks restoration of marine living resources and biodiversity.
9.	– Promote ecosystem well-being, including the human biotic and abiotic components.	✓	✓	●*	✓*	✓*	(A2) Page 17 (A3) Page 22 (A5) Pages 9–10 (B2) Articles 8 and 49 (D1) Articles 57–58 (E2) Article 5	Reference in (A2) is too broad and refers to social sustainability.

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*	X*	(A5) Pages 75–76 (B2) Articles 9, 16–17	
11.	– Harmonize management measures, including those for shared resources.	✓	✓	●*	X*	X*	(A4) Page 27 (B2) Article 10	
12.	– Reduce and manage conflict between users and stakeholders over fisheries resources and ecosystems.	X	✓	●*	X*	X*	(B2) Article 10	
13.	– Consider socioeconomic contexts (e.g. employment, livelihoods, equity, poverty, gender) when designing and implementing management measures.	✓	✓	●*	✓*	●*	(A1) Pages 5–6 (A2) Pages 25, 32–33 (A3) Page 22 (A5) Page 13 (B2) Articles 8 and 45 (D1) Article 7	
14.	– Promote management measures, designate the authority and outline the timeline and process for their monitoring and review.	✓	X	X*	X*	X*	(A5) Pages 92–99	
15.	– Provide for the establishment of MCSE measures.	✓	✓	✓*	∅*	X*	(A4) Page 22 (B2) Articles 69–70 (C3) Article 109 (D1) Article 4	Provision in (D1) refers to surveillance in environmental protection.
16.	– Promote ecosystem-based research plans/priorities, designate the authority and outline the timeline and process for their monitoring and review.	X	∅	X*	X*	X*	(B2) Article 12	Provision in (B2) does not cover plans and priorities.
17.	– Promote the right of access to education and awareness raising on EAF.	∅	∅	X*	∅*	∅*	(A1) Page 7 (A2) Pages 25–27 (A4) Pages 12–13	Reference in (A1) concerns awareness raising and education of local

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		
								(A5) Page 72 (B2) Article 10 (D1) Articles 4, 17, 19–25 (D3) Article 2 (E2) Article 5	communities on biodiversity preservation and sustainable management of wildlife resources. References in (A2), (A3) and (A5) as well as provision in (B2) do not include the right of access to education. Provisions in (D1), (D3) and (E2) do not mention explicitly EAF.
		Institutional arrangements							
C.2 Management boundaries and measures	18.	– Ensure new management boundaries, measures and plans are: (a) ecologically meaningful considering resource ranges, habitats and other ecological factors.	✓	✓	X	✓*	X*	(A4) Pages 12–19 (B2) Articles 57–65 (D3) Articles 7–8	
C.4 Stakeholder participation		(b) overlapped closely and are harmonized with well-established management boundaries and governance structures.	✓	✓	X	✓*	X*	(A4) Pages 12–19 (B2) Articles 57–65 (D3) Articles 7–8	
C.5 Coordination, cooperation and integration	19.	– Promote states cooperation on the harmonization of management measures and plans (bilaterally, regionally and internationally).	✓	✓	X	X*	X*	(A3) Page 20 (A4) Page 27 (A5) Page 14 (B2) Article 10	

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 C.8 Integrated management of aquatic ecosystems	20. – Establish transparent and accessible mechanisms, bodies (including lower level authorities) or processes to: (a) support well-established management boundaries and governance structures on the basis of ecosystem considerations.	X	✓	X	✓*	X*	(b2) Articles 57–65 (p3) Articles 7–8	
	(b) outline conservation and management measures, including FMPs, at local and national levels.	✓	✓	X	X*	X*	(A3) Pages 55–56 (b2) Article 12	
	(c) facilitate coordination, cooperation and integration of management decisions, regulatory action, environmental policies, plans and programs.	✓	X	X	✓*	X*	(A1) Page 14 (p1) Articles 9 and 18	
	(d) monitor, assess and align the various environmental policies and plans.	✓	X	X	✓*	X*	(A4) Page 33 (p1) Articles 9 and 18	
	(e) manage conflict over fisheries, relevant resource and ecosystem, including parameters for decision-making and resolving the conflict.	X	X	X	X*	X*		
	(f) ensure integrated management of aquatic ecosystems (e.g. integrated coastal zone) based on ecosystem delimitations.	X	X	X	X*	X*		
	(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*		

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		
21.	– Clearly outline powers, roles and responsibilities of all bodies, designated authorities, their relationships and processes, avoiding overlapping and conflicting mandates.	∅	∅	✓	✓*	✓*	<p>(A3) Page 71 (A5) Pages 75–77 (B1) Entire law (B2) Article 13 (C2) Entire decree (C3) Articles 2, 81–120 (D1) Articles 4, 9, 26–28 (D3) Article 30 (E2) Article 5</p>	<p>Reference in (A3) does not clearly outline the responsibilities, relationships and processes.</p> <p>Reference in (A5) concerns the Biodiversity Observatory.</p> <p>(B1) does not detail the responsibilities of the Fisheries and Aquaculture Trade Centers.</p> <p>Provision in (B2) refers to a consultative commission, whose composition, organization and functioning is to be regulated.</p>
22.	– Outline mandates for the government institutions to: (a) coordinate efforts, cooperate and integrate approaches, from the local to the national levels.	✓	✓	✓	✓	✓	<p>(A1) Pages 7, 14 (B2) Article 65 (C1) Articles 90–91 (C3) Articles 81, 89, 91–94 (D1) Article 11 (D3) Articles 4, 7 (E2) Articles 7 and 24</p>	

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
	(b) coordinate, cooperate and integrate the regional and international processes and arrangements.	✓	X	X	X	X	(A2) Pages 28–29	
	(c) allocate financial, human and material resources to ensure the integration of lower level authorities	✓	X	✓	✓	X	(A1) Pages 17–18 (A2) Pages 102, 136–139 (A3) Pages 63–65 (A4) Pages 23–24 (c3) Articles 94–98 (p1) Article 11	
	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	✓	(A1) Page 7 (E2) Article 9 (E8) Article 4	
C.5 Coordination, cooperation and integration	24. – Establish and properly publicize public meetings or hearings.	X	X	X	✓	✓	(p1) Article 38 (E3) Article 7	
C.6 Integration of lower level authorities, bodies and stakeholders	25. – Allow for sufficient and reasonable time for comments on proposed management decisions or actions (e.g. in meetings and in writing).	X	X	X	X	X		
C.8 Integrated management	26. – Promote international cooperation for effective integrated management of aquatic ecosystems.	✓	X	X	X	X	(A2) Page 47	

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									
	Fisheries management <i>Catch/output controls</i>								
C.9 Controls on fishing operations C.10 Fishery management plans C.17 Monitoring and review	27.	– Establish limits on the amount of fish that may be removed from a fishery in a given period of time (e.g. TAC), restrict the number of fish that may be landed in a day (e.g. bag limit) or place limits on the amount of acceptable bycatch and/or discards from a fishery – all based on scientific data and maximum sustainable yield and the precautionary principle.	X	X	X	N/A	N/A		
	28.	– Ensure authority to institute TACs and to allocate individual quotas is representative, including representatives from lower levels of government.	X	X	X*	N/A	N/A		
	29.	– Ensure procedure for TACs outlines the category of vessels to which the TAC applies; period of time for which the TAC is declared; process for sub-dividing the TAC into individual quotas; timeline, authority and participatory process for periodic monitoring and review.	X	X	X	N/A	N/A		
	30.	– Coordinate the TACs for shared stocks or highly migratory species with international or regional management measures.	X	X	X*	N/A	N/A		
	31.	– Monitor the catch in real-time and close a fishery when the TAC is reached.	X	X	X*	N/A	N/A		
	32.	– Attach catch controls to licenses and access agreements, including authority responsible for allocating, issuing and regulating quotas, and the procedure to be followed.	X	∅	∅*	N/A	N/A	(b2) Article 29 (c1) Article 5	Provisions in (b2) and in (c1) do not detail the procedure to be followed.

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

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
	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		
	Effort/input controls								
C.9 Controls on fishing operations C.10 Fishery management plans C.17 Monitoring and review	34.	– Define a broad fishing license scheme to regulate access to fisheries and fishing vessels with timeline, authority and process for renewing the license, monitoring and compliance, and permit suspension and revocation of the license for non-compliance.	X	✓	✓*	N/A	✓ N/A	(b2) Articles 18–29 (c1) Entire decree (e1) Entire decree	
	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	∅	X*	N/A	N/A	(b2) Articles 18–29	Provision in (b2) clarifies that the details on licensing scheme are to be provided by regulation.
	36.	– Outline process for establishing provisions for effort controls (e.g. limitation on vessel capacity, on expansion of fishing fleet, on allowable days spent at sea).	X	X	X*	N/A	N/A	(c1) Article 10	
	37.	– Outline specific details of fishing license scheme (e.g. number of licenses to be allocated, permit conditions for each fishery).	X*	X*	X	N/A	N/A		
	38.	– Empower the designated authority to establish additional regulations for licensing.	X*	X	X*	N/A	N/A		
	39.	– Empower authority to regulate effort controls and respective parameters.	X*	X	X*	N/A	N/A		
	Fishing gear and method controls								

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.9 Controls on fishing operations C.10 Fishery management plans C.17 Monitoring and review	40.	– Establish requirements on fishing gear and methods that are permitted for use within a given fishery or area, including related technical specifications (e.g. general prohibitions on types of gear, methods, specifications on gear design, minimum mesh sizes).	X	X	✓	N/A	N/A	(c1) Article 9 (c8) Entire decree	
	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	X	✓*	N/A	N/A	(c1) Article 9 (c5) Article 8	Provision in (c5) is limited to customary fishing rights in protected areas.
	42.	– Outline requirements aimed at reducing negative impacts of fishing methods and gear (e.g. prohibition of trawling in areas with sensitive seabed habitat, require use of biodegradable nets, restrict the use of FADs or require use of bycatch reduction devices).	X	X	✓	N/A	N/A	(c8) Entire decree	
	<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	X	✓*	N/A	N/A	(c1) Articles 53–63 (c6) Entire decree (c9) Entire decree	(c6) is limited to closed season in sardine fishing.
	44.	– Empower authority to define spatial and temporal controls and the procedure.	X	X	X*	N/A	N/A		
	45.	– Ensure stakeholder and institutional consultation, both at national and lower levels, in the process of defining spatial and temporal controls.	X	X	X*	N/A	N/A		
	46.	– Establish technical details and specifics on spatial controls.	X*	X*	✓	N/A	N/A	(c1) Articles 53–63 (c9) Entire decree	

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>Fishery management plans</i>								
C.9 Controls on fishing operations C.10 Fishery management plans C.17 Monitoring and review	47.	– Designate authority with power and responsibility to develop, approve, adopt and publicize a FMP, clearly outlining the roles and responsibilities.	X	∅	X*	N/A	N/A	(b2) Article 12	Provision in (b2) does not address publication of FMPs.
	48.	– Ensure FMPs and measures comply with established integrated management plans for aquatic ecosystems involving e.g. protected areas or critical habitat.	X	X	X	X*	X*		
	49.	– Establish process for approval, adoption and publication of FMP with its periodic review.	X	X	X*	N/A	N/A		
	50.	– Detail process of drafting FMP, including multi-level and multi-sector collaboration and consultation with stakeholders, and a participatory transparent process for monitoring and reviewing the FMP at a minimum within five years of their development.	X	∅	X*	N/A	N/A	(b2) Article 12	Provision in (b2) does not detail the drafting process nor the monitoring and reviewing of FMPs.
	51.	– List the minimum requirements in the FMPs:	X	∅	X*	N/A	N/A	(b2) Article 14	Provision in (b2) does not explicitly refer to an EAF.
		(a) management objectives that take into account EAF;	X	∅	X*	N/A	N/A	(b2) Article 14	
		(b) biological description of fishery and ecosystem in which it takes place;	X	✓	●*	N/A	N/A		
		(c) social, economic and institutional aspects of the fishery;	X	X	X*	N/A	N/A		
		(d) species composition and levels of bycatch, both retained and discarded;	X	X	X*	N/A	N/A		
		(e) ecological relationships between harvested, dependent and associated species;	X	X	X*	N/A	N/A		
	(f) impact of other anthropogenic activities on the ecosystem; and	X	X	X*	N/A	N/A			

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) a review of the relationship with other coastal or marine resource management plans.	X	X	X*	N/A	N/A		
	Conservation measures							
C.14 Habitat and biodiversity conservation and restoration	52. – Incorporate the consideration of habitat and biodiversity in the processes for establishing management measures (e.g. outline habitats and species related to the fishery and take measures to limit the negative impacts of fishing on them) or gear regulations.	∅	✓	✓*	✓*	X	(A1) Page 7 (B2) Article 49 (C1) Articles 63–68 (D1) Articles 57–59 (D3) Entire law	Reference in (A1) concerns awareness raising and education of local communities on biodiversity preservation and sustainable management of wildlife resources.
	53. – Ensure special protection for marine mammals, sea turtles and other particularly vulnerable marine life (e.g. set prohibitions or limitations), in coordination with other national designations or protections and regional and international conservation and management measures.	X	X	∅*	X*	X	(C1) Article 9	Provision in (C1) is limited to the protection of gravid crustaceans and fish subject to full or seasonal protection.
	54. – Ensure coordination between the various authorities involved in marine environment protection.	✓	X	X*	X*	X	(A1) Page 7	
	55. – Establish mechanisms and designation of authority responsible for establishing: (a) designation and protection of threatened and endangered species, ensuring cooperation among the authorities throughout the listing process, definition and qualifying factors of each designation, process for listing, including steps for consultation and the special protections associated with the designations.	X	✓	●*	X*	X	(B2) Articles 53, 66–68	

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
	(b) 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	(A1) Page 7 (A4) Pages 12–19 (B2) Articles 54–65 (D1) Articles 78–81 (D3) Entire law	References in (A1) and (A4) do not provide the details on nominating protected areas nor the levels of protection.
	(c) the restoration of damaged habitat and ecosystems, ensuring the process through which it is decided when, where and how a damaged habitat/ecosystem shall be restored, and the establishment of funds that may be used to engage in restoration activities.	X	X	X*	∅*	X	(D1) Article 11	Provision in (D1) the environmental protection fund is dedicated to, <i>inter alia</i> , restoration of degraded zones.
	56. – Ensure educational and awareness-raising activities for promoting habitat and biodiversity conservation and restoration with the establishment of special funds to support such activities.	✓	X	X*	✓*	X	(A4) Pages 12–19 (D1) Articles 7 and 11	
C.15 Regulation of activities potentially harmful to aquatic ecosystems	57. – Adopt measures to: (a) regulate and reduce pollution of the aquatic ecosystems which should apply to all activities that might have an impact (including fishing, mining, shipping, etc.) and cover all types of pollution including bycatch, discharge of waste, vessel emissions, coastal runoff.	∅	X	✓	✓	✓	(A2) Pages 32–33 (A4) Page 33 (C1) Article 68 (D1) Articles 54, 57–59, 63–64, 68–69 (D4) Entire law (D5) Entire law (E6) Entire decree	References in (A2) and (A4) do not refer to pollution of aquatic ecosystem specifically.
	(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	(D1) Articles 45–51	

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) prevent and eliminate ghost fishing with the prohibition of the abandonment of fishing gear, notification of authorities when fishing gear is lost, regulation of materials used in the manufacture of gear.	X	X	X	X	X		
	58. – Require authorization prior to the planned introduction of any species, including species meant for aquaculture or fish stocking, taking into account the precautionary approach, and establish measures to prevent the escape of exotic species into the wild.	X	X	X	X	X		
C.16 EIS or EIA	59. – Regulate marine extractive activities (e.g. marine mining for minerals or petroleum, harvesting of marine plants) and other potentially harmful activities, including the construction of installations for use by industry, laying of underwater cables, military exercises, shipping.	∅	✓	X	X	✓	(A2) Pages 50–53 (B2) Articles 50–52 (E9) Entire decree	References in (A2) concern the adoption of laws on sustainable development and mining sectors.
	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).	∅	✓	✓	✓	✓	(A4) Page 17–18 (B2) Articles 46, 50–52 (C1) Article 67 (D1) Articles 30 and 61 (D3) Article 7 (E3) Article 6 (E7) Entire decree	Reference in (A4) simply mentions the development of EIAs as part of the management activities required for national parks.
	61. – Detail components of EIS or EIA, which should at least discuss the purpose/need for the activity, the ecosystem that may be affected, potential impacts of the proposed activity and potential alternatives or mitigation and rehabilitation measures.	X	X*	X*	✓	X	(D1) Articles 31–33	
	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	X	X*	X*	✓	X	(D1) Articles 31–38	

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EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
	minister responsible for environment), opportunity for public participation (e.g. comment periods and hearings), consultation with other relevant government institutions or localities, and determination of adequate mitigation measures.								
	Fishery monitoring and research								
C.13 EAF research	63.	– Establish research programme for furthering the knowledge and understanding of EAF.	∅	X	X*	X	X*	(A2) Pages 25–27 (A4) Pages 17–18	Reference in (A2) concerns the establishment of a data center on matters that include aquatic ecosystems. References in (A4) concern biodiversity-related research.
	64.	– Designate authority for conducting and involving stakeholders in the research programme.	X	X	X*	X	X*		
	65.	– Ensure the research programme’s objectives are based on EAF principles, which may include research on inter-species interactions, the impact of fishing on target and non-target stocks, the identification of spawning and nursery areas, areas of critical habitat, rates of bycatch and discards per fishery, the incidence and effect of pollution on fisheries, the status of ecosystem biodiversity, the social and economic dimensions (such as employment, food security), income distribution and other considerations.	X	X	X*	X	X*		
	66.	– Consider the findings of the EAF research in the adoption of conservation and management measures.	X	X	X*	X	X*		

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
	MCSE								
C.11 MCSE	67.	– Outline an observer scheme with details on the categories of vessels/fisheries that it applies to and the role that observers play (which may be tailored to the category of vessel or the type of fishery and may be limited to the collection of catch/effort data and the collection of scientific samples, or may include the authority to register and/or report violation of management measures).	X	X	✓	N/A	N/A	(c1) Articles 78–84	
	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	(b2) Article 24 (c1) Articles 81–82	
	69.	– Design the scheme in line with regional or international requirements, taking into account relevant regional observer programs.	X	X	X	N/A	N/A		
	70.	– Ensure VMS is required for vessels licensed to fish in national waters and ABNJ, detailing specific categories of fishing vessels and/or fisheries to which it applies.	X	X	∅	N/A	N/A	(c1) Article 73 (c4) Entire decree	Provisions in (c1) and (c4) are only applicable to fishing vessels in national waters and do not detail the categories of vessels or fisheries to which the requirement 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	X	✓	✓	N/A	N/A	(b2) Articles 24 and 32 (c1) Articles 74–76	

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		
	jurisdiction and in ABNJ), to whom they are required to report (the designated authority), the frequency and timing of their reports, and the method or format in which they are required to report (e.g. weight of fish caught, including percentage of bycatch, species, dates of fishing, fishing zones, gear/methods employed, type of vessel, time of departure from national waters and catch status at that time).							
72.	– Ensure the establishment and maintenance of a record of fishing vessels licensed to fish in waters under national jurisdiction and nationally flagged vessels authorised to fish in ABNJ with the designation of the authority responsible for its maintenance and information to be recorded for each category of vessel.	X	∅	X	N/A	N/A	(b2) Articles 15 and 22	Provision in (A4) determines that the details on the maintenance, the scope of the record and the modalities are to be determined by regulation.
73.	– Ensure the records of industrial fishing vessels include the name of the vessel, the flag state and any previous flag states, the radio call sign, the International Maritime Organization (IMO) number, the automatic identification system (AIS) and the VMS, if relevant the vessel length and tonnage, if relevant the fishing methods and gear used, the name and nationality of operator and beneficial owners of the vessel, and any transgressions of fisheries legislation associated with the vessel.	X	X	X	N/A	N/A		
74.	– Broadly detail the registration process and ensure registration of all fishing vessels with the relevant fisheries or maritime authority, including information on the name of vessel, the flag state and any previous flag states, the radio call sign, if relevant the IMO number, the AIS and VMS, if relevant the vessel length and tonnage, the name and nationality of the beneficial owners of the vessel, and any transgressions of fisheries legislation associated with the vessel.	X	X	X	N/A	N/A		

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
75.	– Detail the specifications for marking vessels and fishing gear in accordance with internationally approved standards.		X	∅	✓	N/A	N/A	(b2) Articles 21 and 31 (c1) Articles 69, 71, 72	Provision in (b2) determine that fishing gears are to be marked in accordance with internationally approved standards, to be established by regulation, and the marking of fishing vessels is to be required under international fisheries agreements.
76.	– Ensure cooperation and coordination between fisheries and maritime authorities throughout the registration process.		X	∅	X	N/A	N/A	(b2) Article 70	Provision in (b2) is very broad, outlining the responsibility of the Ministry in charge of fisheries and aquaculture to coordinate control and surveillance activities.
77.	– Ensure authorized officers have enforcement powers, allowing them to board and search vessels (at sea and in port) and other premises related with fishing, to examine logbooks, records, gear and catch, to investigate and collect evidence, to seize fish, gear and vessels, and to interrogate, detain and arrest persons associated with reasonably suspected violations.		X	✓	X	N/A	N/A	(b2) Articles 76–89	

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		
	78.	– Ensure the controls placed on landing and transshipping of fish, both at sea and in port, and by national and foreign vessels, is in accordance with regional and international instruments.	X	X	X	N/A	N/A		
	79.	– Provide additional VMS specifications and specific details on the registration process.	X*	X	X	N/A	N/A		
	Enforcement processes and sanctions scheme								
C.12 Offences, penalties and administrative and judicial processes	80.	– Detail the fisheries-related offences (civil or criminal) and corresponding penalties, weighted depending on the level of severity of the offence but outlined in a way that maintains their strength over time (e.g. utilize formulas such as a percentage of the total market value of the sale of the illegal catch, or penalty units).	X	✓	X	✓	X	(b2) Articles 98–106 (p1) Articles 142–155 (p3) Articles 57–68	
	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	(b2) Articles 88–97 (c7) Entire decree (p1) Articles 156–158	
	82.	– Establish judicial processes used for determining and confirming offences and applying relevant penalties to the offending parties, allowing for a right of appeal.	X	X	X	X	X		

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

For more information:

The EAF-Nansen Programme

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