



Food and Agriculture  
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# Legal report on the ecosystem approach to fisheries in Benin

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

FAO EAF-Nansen Programme Report No. 53  
EAF-N/PR/53 (En)

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

PROGRAMME REPORT

## THE EAF-NANSEN PROGRAMME

The EAF-Nansen Programme “Supporting the Application of the Ecosystem Approach to Fisheries Management considering Climate and Pollution Impacts” supports partner countries and regional organizations in Africa and the Bay of Bengal improving their capacity for the sustainable management of their fisheries and other uses of marine and coastal resources through the implementation of the Ecosystem Approach to Fisheries (EAF), taking into consideration the impacts of the climate and pollution.

The EAF-Nansen Programme is executed by the Food and Agriculture Organization of the United Nations (FAO) in close collaboration with the Institute of Marine Research (IMR) of Bergen, Norway, and funded by the Norwegian Agency for Development Cooperation (Norad). This Programme, which started in 2017, represents the current phase of the Nansen Programme which started in 1975.

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

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

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

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policy and legal instruments of Benin**

**By Julia N. Nakamura, Teresa Amador,  
Bernard I. Akitikpa, Serge K. K. Wongla,  
Herman K. H. Gangbazo, Djihinto Gaston,  
Adjé Christian and Sohou Zacharie**

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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 Benin 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 Benin'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 Benin. Drafted in July 2021, the report was submitted to the national authorities of Benin in October 2021. The Ministry of Agriculture, Livestock and Fisheries of Benin reviewed and endorsed this EAF Legal Report of Benin in July 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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The fisheries administration of Benin has made a significant contribution to this work and has put aside the workshops to consult experts in management. Notably, Bernard I. Akitikpa, Serge K. K. Wongla, Herman K. H. Gangbazo, Djihinto Gaston and Adjé Christian, under the supervision of Dr. Antoine Gaston Djihinto and Dr. Zacharie Sohoun, worked on this report to whom we are very grateful.

## Abbreviations and acronyms

ANCEM	National Authority in charge of State Action at Sea (of Benin)
DGWR	Directorate General of Water Resources (of Benin)
EAF	ecosystem approach to fisheries
ECOWAS	Economic Community of West African States
EIA	environmental impact assessment
FAO	Food and Agriculture Organization of the United Nations
FMP	fishery management plan
IMO	International Maritime Organization
IUU	illegal, unreported and unregulated (fishing)
MCSE	monitoring, control, surveillance and enforcement
MPA	marine protected area
NGO	non-governmental organization
RFMO/A	regional fisheries management organization and/or arrangement
TAC	total allowable catch
VMS	vessel monitoring system

# 1. Introduction: legislating for an ecosystem approach to fisheries

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

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

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

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

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

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

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

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

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

### 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 Benin

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

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

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

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

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

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

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

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

<b>Symbol</b>	<b>Perceived level of alignment with the EAF legal requirement</b>	
✓	Full or sufficient	Part(s) in the assessed fisheries policy or provision(s) in the assessed legislation <u>totally incorporates</u> the EAF legal requirement.
∅	Partial or insufficient	Part(s) in the assessed policy or provision(s) in the assessed legislation <u>partially incorporates</u> the EAF legal requirement. <sup>3</sup>
X	None or inexistent	No part in the assessed policy nor provision in the assessed legislation was found that incorporates the EAF legal requirement.
●	Not considered	No assessment was carried out since the EAF legal requirement was fully or sufficiently found in the <b>primary</b> fisheries policy/legislation, or in the <b>primary</b> legislation of other sector.
N/A	Not applicable	The EAF legal requirement is exclusively relevant to fisheries (that is the case of all the EAF legal requirements under Fisheries Management, Monitoring, Control, Surveillance and Enforcement (MCSE) and almost all of those under enforcement processes and sanctions scheme) and therefore not applicable to other sector's legislation.
*	Optional	The EAF legal requirement is considered to have a non-mandatory nature and therefore is not expected to be found in the assessed policy or legal instrument.

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

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

#### **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 Benin Constitution of 1990, were considered particularly relevant in incorporating the EAF legal requirements. These parts and legal provisions which, without prejudice to others that may also be relevant, were considered good examples of addressing an EAF (in the case of a policy instrument) or legislating for an EAF (in the case of a legal instrument), have been highlighted in the main findings under subsection 2.2 below as good practice in legislating for an EAF.

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

## 2.2 Overview and main findings

This subsection provides an overview of the main findings of this desk-based preliminary assessment of the EAF in the selected national policy and legal instruments of **Benin** presented under **Appendix B**. According to the Benin's fisheries administration, there were also interactive consultations with a panel of practitioners of the current national level texts that facilitated the updates and review of this report. The comments provided have been incorporated into this report which follows a the specific approach of Benin.

### 2.2.1 Fisheries policy

The assessed three fisheries policies correspond to A1 to A3 in Appendix A. They cover **13** of the 82 EAF legal requirements.

Benin does not have a formal fisheries policy document at the time of this assessment, but it does have a set of specific fisheries strategy documents developed. In Benin, the year 2016 was marked by the arrival in power of a new regime that adopted a new policy framework making agriculture, livestock and fisheries a massive investment sector. Within this framework, a Government Action Program (PAG1), which made the agricultural sector one of the priorities for the development of Benin's economy, was drafted with a view to elaborating development projects for a number of flagship agricultural sectors, in particular pineapple, cashew nuts, market gardening, corn, rice, cassava, meat, milk, fishing and fish farming. It is within this framework that the Concept Note on the evolution and development of maritime and continental fisheries in Benin (2016–2020) has been developed. It is based on the strategic axes articulated in the National Plan for Agricultural Investments and Food and Nutritional Security (PNIASAN) 2017–2021.

Benin's PNIASAN is focused on the Malabo commitments, articulated to the Economic Community of West African States (ECOWAS) strategy and takes into account emerging issues (trade, nutrition, resilience, climate-smart agriculture, risk management) and crosscutting issues (women, youth). In accordance with the implementation strategy of the roadmap defined by the New Partnership for Africa's Development, two major objectives are targeted through the development of the second generation National Agricultural Investment Plan (NAIP): (i) the transformation of agriculture and inclusive sustainable growth and (ii) the strengthening of systemic capacity for implementation and production of results. The areas of strategic action show the scope to be covered by PNIASAN. Objective 1 has four strategic action areas: (i) increasing the production and productivity of agricultural value chains; (ii) improving markets, trade and value chains; (iii) increasing the resilience of livelihoods and systems; and (iv) strengthening natural resource governance. Objective 2 includes seven strategic action areas: (i) strengthen planning capacity; (ii) strengthen policies and institutions; (iii) strengthen leadership, coordination, and partnerships; (iv) improve skills, knowledge, and agricultural education; (v) strengthen data and statistics; (vi) institutionalize mutual accountability; and (vii) increase public and private financing.

The Agricultural Sector Strategic Development Plan (ASDP) 2025 and the PNIASAN are relevant to EAF. For example, the latter promotes the sustainable management of terrestrial and



aquatic ecosystems (Pages 24–25) and the improvement of the management of aquatic ecosystems as well as the control of fishing effort to preserve the resource through the establishment of closed seasons, mesh size regulations, the creation of marine protected areas, the reorganization of the monitoring, control and surveillance (MCS) Committee and the implementation of participatory monitoring of artisanal fisheries (Page 41).

Among the policies selected for this assessment, the *2016–2020 Plan d’Action National de Gestion Intégrée des Ressources en Eau (PANGIRE) Stratégie d’opérationnalisation* [National Plan of Integrated Water Resources Management] is the one most relevant to fisheries which is covered as part of the water resources management. This Policy is currently in the second phase of the fifteen-year period covered by the Plan, ending in 2025. This Plan was the result of a long participatory process with different levels of political engagement aiming to create a favourable environment for sustainable development and the optimum use of water resources. The general objective of this second phase is to establish a national framework for integrated water resources management, which facilitates the development and coordinated management of water, land and related resources, with a view to optimizing the economic and social well-being, equitably and without compromising the sustainability of vital ecosystems (Chapter 6(6.1)). The global objective includes the operationalization of integrated water resources management across the country through a coordinated and unified implementation framework (Chapter 6(6.1)).

Under each of the five strategic objectives of the Plan there are strategic axes, which involve, *inter alia*: the overall coordination of the Plan’s implementation by the Directorate General of Water Resources (DGWR); the monitoring and evaluation of the plan (Page 38); the cooperation between Benin and international and regional organizations on water-related issues and at the level of transboundary basin organizations (Page 41); the development of strategic approaches to strengthening human resources and capacities through targeted training; the promotion, coordination and support to studies and research to improve the knowledge about water resources in coordination and partnership with the relevant institutions (Page 53); the development of partnerships with local and sub-regional training institutions (Page 59).

This Integrated Water Resources Management Policy also has a relevant implementation plan, which provides for coordination driven by the DGWR in all activities of technical structures for its complete and harmonious execution (Page 68). Such structures are identified according to their various levels of governance, including the national or central level, the local or decentralized level, the data producers level, civil society and private sector (Pages 68–69). The Policy also includes a monitoring and evaluation scheme (Pages 70–71) and details the specific actions, activities to be executed by the designated responsible institution as well as the respective partners (Annex 1). The DGWR, for instance, is in charge, in partnership with other research centres, of research-actions on specific themes, including fight against pollution and waste, water for food security, eco-tourism, sustainability of uses, green economy and the linkages between water, gender and human rights (Annex 1(A.2.6.1)).

The *2018–2025 Plan National de Développement* [National Development Plan] is aimed at achieving economic growth through, *inter alia*, the use of the country's biological and genetic resources, including terrestrial and aquatic ecosystems, with due account to the conservation of biological diversity (Page 146). This Plan also contains various strategic orientations, one of which is centred on ensuring better management of the environment and climate change (Page 180). This strategic orientation includes the promotion of sustainable development, protection of the environment, and integration of the sustainable development dimension into development policies, in companies and organizations (Pages 180–181). One of the Plan's strategic objective focuses on good governance, which is based on, *inter alia*, the principles of participation, transparency and equity (Page 186).

The *2025 Plan Stratégique de Développement du Secteur Agricole (PSDSA) et le 2017–2021 Plan National d'Investissements Agricoles et de Sécurité Alimentaire et Nutritionnelle (PNIASAN)* [Agricultural Sector Strategic Development Plan and National Plan of Agriculture Investments and Food and Nutrition Security] are also relevant for an EAF. The latter, for instance, promotes the sustainable management of land and aquatic ecosystems (Pages 24–25) and the enhancement of aquatic ecosystems management as well as control on fishing effort to preserve the resource by establishing closed seasons, regulations on mesh size, creation of marine protected areas, reorganization of the Monitoring, Control and Surveillance (MCS) committee and implementation of participatory surveillance of artisanal fisheries (Page 41).

### **2.2.2 Fisheries primary legislation**

The assessed fisheries primary legislation is the *Loi-cadre n° 2014–19 du 07 août 2014 relative à la pêche et à l'aquaculture* [Fisheries and Aquaculture Framework Law] (hereinafter referred to as “Fisheries Law”). It corresponds to B1 in Appendix A and covers **32** of the 82 EAF legal requirements.

The Fisheries Law follows principles that are relevant for an EAF, namely: conservation of fisheries resources for present and future generations, application of precautionary measures in the management of fisheries resources, protection of aquatic ecosystems, including non-target species, preservation of aquatic biological diversity, reinforcing mechanisms of participatory management taking into account the populations in the process of decision-making related to fisheries (Article 4(a)–(d)(h)). The Fisheries Law provides for a specific condition in the fisheries permit or authorization requiring the recipient to eliminate, reduce or compensate for hazards or negative impacts on water and aquatic ecosystems (Article 6). The management of fisheries resources must ensure the protection of aquatic ecosystems and the conservation of biodiversity, as well as satisfy the current and future socio-economic needs of the country, with the participation of the concerned population (Article 9(a)(b)).

The administration in charge of fisheries and aquaculture is responsible for ensuring the protection, MCS, management and research on fisheries and aquaculture (Article 11). The Ministry in charge of fisheries or the management bodies are required to establish, in complement of the general regulatory framework, fishery management plans (FMPs), which

must: ensure the sustainable development of fisheries resources; be based on available scientific data as well as traditional fishing knowledge and practices; and take into account biological, economic, environmental and social factors (Article 14). The minimum requirements of FMPs include setting the total allowable catch (TAC) and optimal level of fishing effort and specifying the management, development and advisory measures to be adopted for the sustainable development of fishery resources (Article 15). FMPs are subject to periodic review and may be modified during their implementation in accordance with the changes on biological, socioeconomic or technological data (Article 16). In the preparation and review of FMPs, the competent Ministry must consult with the scientific research institution, territorial communities, traditional authorities, professional organisations specialised in fisheries as well all persons as deemed necessary (Article 18). In respect of FMPs for stocks shared with other States in the sub-region, the competent Ministry is required to consult the fisheries authorities of those States with a view to harmonize conservation and management measures relating to such stocks (Article 19).

The Fisheries Law provides for a fishing license and authorisation scheme for all national or foreign fishing vessels, industrial or artisanal, to fish in waters under Benin's jurisdiction (Article 22) and in areas beyond national jurisdiction (Article 23). It details the minimum content of such fishing authorisations, which include precisising the authorised species and quantities of fisheries resources as well as restrictions on discards and bycatch (Article 24(f)). It also outlines the procedures for issuance, renewal and suspension of fishing authorisations and licenses (Articles 26–29). The masters and crew chiefs of fishing vessels authorised to fish in waters under Benin's jurisdiction have the duty to transmit, to the competent administration, the statistical information and catch data as well as the vessels' s positioning, in accordance with the forms and deadlines prescribed by order of the minister in charge of fishing (Article 34). Also relevant for an EAF is the requirement on the marking and permanently displaying the identification of licensed fishing vessels and prohibition on erasing, making illegible, covering or concealing the names, letters and numbers, by any means, on fishing vessels (Articles 33 and 37). The competent administration may require the embarkment of observers in national or foreign industrial fishing vessels operating in the maritime waters under Benin's jurisdiction, in accordance with the conditions defined by order of the minister in charge of fisheries (Article 41).

The Fisheries Law provides detailed restrictions on the use of harmful fishing gears (Article 73(a)), and on the use of explosive materials or toxic substances (Article 73(b)) or keeping such materials or substances on board (Article 73(c)). It also prohibits fishing, possession and commercialization of any species of aquatic mammals or sea turtles in the country (Article 79). Another provision relevant for an EAF is the requirement for prior authorization by the fisheries administration for the introduction of exogenous aquatic species or genetically modified aquatic organisms into marine or inland national waters, given due regard to previous consultation with the competent national research organization (Article 81). The competent Ministry is empowered to, after consulting the competent national research structure and relevant management bodies, establish protected fishing zones to protect certain aquatic ecosystems or a particular species of aquatic organism, or to protect spawning grounds (Article 84). The procedures for identifying and prosecuting offences under the

Fisheries Law are to be followed according to the applicable criminal legislation (Article 91) and pursuant to a verbal process (Article 95) conducted by the enforcement officers (Article 96), with the possibility of compounding of offences prior to the judicial procedures (Article 104).

### **2.2.3 Fisheries secondary legislation**

The assessed twelve fisheries secondary legislation corresponds to C1 to C12. They cover **32** of the 82 EAF legal requirements.

Le *Décret n° 2021–438 du 1<sup>er</sup> septembre 2021* establishes the creation, mandate, organization and operation of the Brigade for the Surveillance and Control of Water Bodies and Rivers, whose mission is to prevent the commission of offences relating to fishing and aquaculture, and to investigate and record offences relating to fishing and aquaculture on water bodies and rivers (Article 4) The Brigade must collaborate with the defense and security forces in terms to be defined (Article 5).

Le *Décret n° 2020–027 du 15 janvier 2020* establishes the mandate, organization and functioning of the Ministry of Agriculture, Livestock and Fisheries (Article 1). This Ministry is responsible for, among others, strengthening Benin's agricultural technical cooperation at the regional and international levels, facilitating with the Ministries concerned; the sustainable exploitation of natural resources and in a constant concern for sustainable development and the preservation of ecosystems; and contributing to the elaboration of integrated development plans with the other productive sectors (Article 3). The Directorate of Fisheries Production is the body responsible for designing and monitoring and evaluating the State's policies and strategies aimed at guaranteeing the diversity and quality of fisheries production and ensuring the coordination of the fisheries and aquaculture development program (Article 9).

Le *Décret n° 2018–335 du 25 juillet 2018* regulates the Fisheries Law, setting the conditions and modalities for the exercise of fishing (Article 1). This decree specifies the FMPs' procedures and requirements, which must ensure the sustainable exploitation of fishery resources, and satisfy the objectives of socio-economic and environmental orders (Article 5). It also specifies the objectives, the state of exploitation of the targeted resources, the fishing capacity, the authorized fishing effort, among others (Article 6). The FMPs' elaboration, implementation and monitoring are carried out by the administration in charge of fisheries in collaboration with the concerned stakeholders (Article 7). Fishing activities are subject to a fishing licensing scheme (Article 11), in accordance with the applicable rules and procedures detailed in the decree (Articles 12–31). Various techniques and gears of industrial marine fishing are prohibited in waters under Benin's jurisdiction, for example, the practice of trawling with oxen, fishing with explosives, electric fishing or using toxic substances or bait (Article 41).

Le *Décret n° 2018–334 du 25 juillet 2018* regulates the Fisheries Law, setting the conditions and modalities for the exercise of aquaculture (Article 2). The installation of any commercial aquaculture unit must be preceded by an environmental impact study (Article 4). The

equipment and installations in contact with aquatic organisms are made of materials that do not allow the diffusion of toxic products in the water (Article 5). The introduction or detention of any exogenous aquatic species in waters under Benin's jurisdiction is subject to prior authorization from the administration in charge of aquaculture after the opinion of the competent research institution (Article 10).

L'Arrêté n° 2008–518/MAEP/D-CAB/SGM/DHR/DP/SA de 2008 prohibits the practice of Mysidae fishing called "pink shrimp fishing" (Article 1).

The 2006 Arrêté 2006–1903/MAEP/D-CAB/SGM//DRH/SA prohibits pair trawling in maritime waters under national jurisdiction (Article 1).

The 2005 Arrêté n° 3537 MAEP/D-CAB/SGM/DRH/DP//SA provides for the roles and responsibilities of the bodies within the Fisheries Directorate, requiring the Service of Marine Fisheries to, *inter alia*, overview the effective application of the Code of Conduct for Responsible Fisheries, propose measures for reducing conflicts among artisanal and industrial fishers, and ensure the collection of data on marine fisheries and on women operating in the sector (Article 5). The Monitoring and Evaluation Service's responsibilities include collecting and disseminating information about the fisheries sector (Article 8).

The 2003 Arrêté n° 421 MAEP/D-CAB/SGM/DA/DP/CSRH/SA provides authorization requirements for putting in place or operating a fishing processing establishment in land or in a factory ship.

The 1997 Arrêté interministériel n° 312/MDR/MISAT/DCAB/CC/CP provides for the Fisheries Committee at village levels or groups of riverside villages, with the mandate of ensuring the rational exploitation of the water body under its jurisdiction for the preservation of resources and safeguarding of the ecosystem (Articles 1 and 11). This Committee is responsible to, *inter alia*, ensure the respect of traditional practices for the protection of aquatic resources, and serve as a consultation, analysis framework for the regulation and conciliation of socio-professional issues arising within the limits of its jurisdiction (Article 11), which is relevant for addressing potential conflicts regarding fisheries users. This Order also allows the establishment of various committees in order to harmonise their actions or regulate the issues of common interest (Article 12).

The 1996 Arrêté n° 399 MDR/DC/CC/CP defines the fishing effort and conditions for its exploitation in national waters. It provides that the fraction of fishing efforts is determined by the number of fishing vessels that may be authorised to cover the maximum of 4,000 Horsepower (HP), and makes the Fisheries Director responsible for maintaining the list of fishing vessels authorised as well as the percentage of fishing efforts exploited (Article 2).

The 1969 Arrêté n° 29 MTPTPT/MM defines the three fishing zones, namely: the coastal fishing zone, where small fishing vessels with motor less than 80 HP operate within 15 miles from the coast (Article 2), the offshore fishing of the coast within a limit of 50 nautical miles

for steam or motorized fishing vessels (Article 3) and the large-scale fishing zone beyond those limits (Article 4).

The 1950 *Arrêté n° 207 EF/APA* prohibits the use of fire guns, explosives and any poisoning substance for fishing (Articles 1–2). It also specifies the minimum mesh sizes of fishing gears (Article 5).

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

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

The *Loi n° 2018–10 du 16 avril 2018 portant protection, aménagement et mise en valeur de la zone littorale en République du Bénin* [on the protection, management and enhancement of Benin’s coastal zone] calls for specific protection, development and enhancement of policies, the implementation of which requires coordination of the actions of the State and the local communities (Article 2). The general guiding principles include promoting the integration of conservation actions and development actions in order to ensure the sustainable management of natural resources in the coastal zone (Article 4), cross-sectoral or integrated planning of the development and management of natural resources and on the participation of all actors, including local communities (Article 6). Those in charge of activities, development projects, socio-community infrastructures or activities of a social, commercial or industrial nature likely to have an ecological impact on biodiversity in the coastal zone, are required carry out environmental assessments and to take measures to avoid or mitigate the risks related to their activities (Article 10).

The 1999 *Loi n° 98–030 portant loi cadre sur l'Environnement* [Environment Framework Law] (hereinafter referred to as “Environmental Law”) elaborates on the provisions of the Constitution of Benin (Articles 27–29, 74 and 98), specifically on the duty of the State to ensure the protection of the environment and the requirement of the law to provide for the protection of the environment and the conservation of natural resources (Articles 27 and 98 of the Constitution). This Law is founded on general principles of, *inter alia*, ensuring that different social groups intervene in all levels within the formulation and execution of the national environmental policy as a vital means to combat poverty and favour the country’s development (Article 3(d)); and these principles aim to, among other objectives, preventing and anticipating the actions that may cause immediate or future impacts on the environmental quality; restoring the degraded zones and sites; and ensuring the balance between environment and development (Article 4(a)–(c)). The competent Ministry is responsible for implementing the national environmental policy and coordinate its execution (Article 6). General prohibitions are outlined in this law as well, which are relevant for environmental protection, including prohibiting the disposal of waste and pollution on the environment (Article 15).

The Environment Law imposes prohibitions on activities that, *inter alia*, impact the public health, biological resources and alter the quality of marine waters (Article 39), requiring authorization of the competent national authorities prior to any occupation, exploitation,

construction and installation with the potential of causing any source of disturbance of any nature (Article 43). Another EAF relevant provision asserts that the wildlife is protected and restored by the rational management with a view to preserve the biological diversity and ensure the ecological balance of natural systems (Article 49). Any portion of the national territory, either terrestrial, marine or freshwater, can be classified as protected area (Article 54), and the decision for such classification and the respective level of protection must be preceded by an EIA and a public hearing (Article 54). This Law also describes the procedures of an EIA, which may be required for the undertaking of operations, plans, projects, programmes or constructions that may impact the environment (Articles 87–93), including the minimum contents of an EIA and the obligation of the competent Ministry to subject the EIA to a public hearing. The procedure for requesting a public hearing is also outlined, allowing any person to request the competent Ministry to establish such procedure for the consultation with the public on questions concerning the environment (Articles 96–102).

The *2010 Loi n° 2010–44 du 24 novembre 2010 portant gestion de l’eau* [Water Management Law] is founded on principles that include the sustainable management of water and general protection of the environment (Article 9); and the participation of all persons in the projects that value, mobilise, protect and conserve water resources (Article 12). This law prohibits pollution of resources in the aquatic environment, requiring all persons who have caused or aggravated such pollution or the degradation of the aquatic environment, to financially contribute to the measures that the State and territorial communities shall take to combat the pollution and compensate the effects, ensuring the conservation of aquatic ecosystems (Article 14). International cooperation for the prevention and elimination of pollution on the marine environment, taking into account the transboundary nature of water resources, is ensured by the State (Article 15). All constructions that may have an impact in the quality of transboundary watercourses are subject to an authorisation and an EIA (Article 16). The State, decentralised local communities, at all levels, are responsible to implement the appropriate structures and the participation of concerned actors (Article 29) for the various activities outlined in this Law, including the elaboration and implementation of the national plan of integrated water resources (Article 30).

The *2002 Loi n° 2002–16 du 18 octobre 2004 portant régime de la faune* [Fauna Protection and Management Law] requires the management of fauna and its habitats to be in accordance with the riverside populations with a view to maintain and develop for the long-term its values, biologic, ecologic, socioeconomic, food, scientific, educative, cultural, aesthetic and recreational functions (Article 3). It details the levels of protection of protected areas, which can be an integral natural reserves (Article 16), national parks where scientific research, educational and recreational activities are allowed (Article 17), fauna reserves for the conservation, management and development of fauna and its habitats (Article 18), special reserves or sanctuaries for protecting specific communities and fragile species (Article 19) and the synergetic zone for the sustainable development as well as conservation of fauna and habitats (Article 20). Any project of establishing, modifying or suppressing a protected area must be preceded by an EIA (Article 22). This Law also clarifies the level of protection of wild fauna, which can be fully protected under Category A, which include the rare or endangered

species; or partially protected under Category B, which include the relatively rare or non-endangered species (Articles 31–33).

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

The other sectors secondary legislation corresponds to E1 to E3 in Appendix A.

The *Décret n° 2022–003* creates the marine protected areas of Donaten and Bouche du Roy (Article 2), detailing their geographical coordinates (Article 4). This decree does not specify the conditions of access, exploitation, surveillance and management, which will be defined by a decree issued by the Council of Ministers (Article 5). The application of this decree is the responsibility of the Ministers in charge of: living environment and sustainable development; justice and legislation; infrastructure and transport; agriculture, livestock and fisheries (Article 6).

The *2017 Décret n° 2017–332* details the procedures for EIA, providing, among others, the administrative proceedings for obtaining the Certificate of Environmental Conformity and the content of an EIA. The EIA's minimum content includes: the analysis of the potential environmental and social impacts, direct, indirect, cumulative of a project, the synthesis of the public participation, including consultations and public hearings, the Social and Environmental Management Plan establishing measures such as the programme of compensation of the biodiversity and restoration of habitats (Article 36). This Decree also details the procedures of public hearings on environmental issues (Articles 53–73), which count with a Commission in charge of, *inter alia*, ensuring the publicity of the public hearing, ensuring citizens can pose their questions concerning the relevant projects, and collecting through written and audio-visual means all the opinions of participants in the hearing (Article 60). The composition of this Commission includes one representative of concerned territorial collectivity as designated by the communal council and one representative of a non-governmental environmental organization (Article 61).

Le *Décret n° 2014–785 du 31 décembre 2014* sets out the creation, organization, mandate and operation of the National Authority in charge of State Action at Sea (ANCEN), which is responsible for, among others: the protection of vital and strategic interests; the conservation of the sea's biological resources; the prevention of infringements of maritime fishing regulations; the preservation of the environment, the prevention and control of marine pollution; the protection of installations and systems to aid maritime navigation; and marine scientific research (Article 4). The Maritime Prefect is in charge of leading and coordinating the action at sea of public administrations and services, and for the coordination of the action at sea of administrations and ensures the implementation of the National Strategy for Maritime Protection, Safety and Security (Article 6).

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

According to Benin's fisheries administration, there are several legislative projects in the process of being evaluated and approved. The draft application orders are being prepared to



support the national legal framework. These instruments were developed in 2021 on the following subjects:

- the creation of a management body for maritime fisheries;
- the conditions and modalities for the exercise of artisanal maritime fishing and continental fishing;
- the introduction of biological rest for beach seine fishing on the Benin's coast;
- the registration and marking of artisanal and inland fishing vessels;
- the conditions and modalities for the exercise of industrial maritime fishing in the waters under Benin's jurisdiction;
- the conditions and modalities for the granting of the professional fishing card;
- the fees for fishing and aquaculture authorizations and the costs of registering fishing vessels and the conditions and procedures for their payment;
- the conditions and modalities for the embarkation of observers on board vessels authorized to fish in maritime waters under Benin's jurisdiction.

While these instruments may cover a large part of the EAF legal requirements, this report did not include an analysis of these instruments because they have not been officially promulgated and published in the Official Gazette.

It should also be noted that, according to Benin's fisheries administration, the modalities for the implementation of the TAC are elements to be theorized and brought back to the national context. The related principles cannot be applied as they are without taking into account the local context, and therefore some of the aspects may not be simply applied.

In addition, Benin's fisheries administration informed that the National Action Plan to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing in Benin (NPOA-IUU Benin/FAO) has been elaborated with all the State and non-State entities involved maritime issues. Currently, this plan is being reviewed for updating.

## 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 Benin 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, **53** EAF legal requirements were found in Benin'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, **29** EAF legal requirements remain to be incorporated in the policy and legal frameworks of Benin.

The assessed policy and legal instruments lacked important principles and objectives of an EAF, notably a clear definition of the precautionary approach, right to access to information, education and awareness-raising for an EAF, as required under the EAF Components 1 and 3. They also did not provide for conflict management over fisheries and the conflict management review process, as required under EAF Component 7.

A major gap was noted with respect to fisheries management, where no clear provisions nor references were found on TAC, including the coordination with international or regional measures for shared stocks or highly migratory species, additional catch limits and detailed requirements, technical details on spatial controls, fishing licensing scheme and effort controls, as provided under EAF Component 9.

In respect of MCSE, which is of particular relevance to the fisheries sector, the assessed policy and legal instruments do not provide details on the observer scheme, the recorded information to be included in the register of fishing vessels, marking of fishing gears; no provisions were found on VMS nor on control over landing and transshipping, as part of the legal requirements under the EAF Component 11.

Research also lacked provisions and references concerning the furthering the knowledge on EAF and objectives aligned with EAF principles, pursuant to EAF Component 13. Conservation measures were incomplete as well, with respect to coordination between authorities in charge of marine protection, mechanisms and processes for the restoration of damaged habitats and ecosystems, educational awareness-raising on biodiversity conservation, measures to tackle ghost fishing and promote energy efficiency, as required under EAF Components 14 and 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:

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 Benin, assessed in this Report, incorporate **53** out of the 82 EAF legal requirements, therefore indicating a **medium** level of alignment with an EAF.

### 3.3 Final considerations and proposed way forward

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

The incorporation in the national policy and legal frameworks of all the EAF relevant provisions from international legally binding instruments<sup>4</sup> to which Benin 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), “conservation measures” (especially education and awareness-raising on biodiversity conservation and restoration, measures to tackle ghost fishing and promote energy efficiency), “research” (especially with particular reference to EAF

<sup>4</sup> See Appendix A of the EAF Legal Diagnostic Tool.

principles and EAF research) and “MCSE” (especially the details on the observer scheme, detailed recording information, registration process).

The review of the policy and legal instruments with respect to “control on fishing operations” 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.

## 4. References

### Reports and other international instruments

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

### Internet sources

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

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

Identification	Instruments of BENIN
<b>A</b>	<b>Fisheries Policies</b>
<b>A1</b>	2025 Plan stratégique de développement du secteur agricole et 2017–2021 Plan national d'investissements agricoles et de sécurité alimentaire et nutritionnelle
<b>A2</b>	2018–2025 Plan national de développement
<b>A3</b>	2016–2020 Plan d'action national de gestion intégrée des ressources en eau (PANGIRE) Stratégie d'opérationnalisation
<b>B</b>	<b>Fisheries Primary Legislation</b>
<b>B1</b>	Loi-cadre n° 2014–19 du 07 août 2014 relative à la pêche et à l'aquaculture en République du Bénin
<b>C</b>	<b>Fisheries Secondary Legislation</b>
<b>c1</b>	2021 Décret n° 2021–438 du 1er septembre 2021 portant création, attributions, organisation et fonctionnement de la Brigade de surveillance et de contrôle des plans et cours d'eau en République du Bénin
<b>c2</b>	2020 Décret n° 2020–027 du 15 janvier 2020 portant attributions, organisation et fonctionnement du Ministère de l'agriculture de l'élevage et de la pêche
<b>c3</b>	2018 Décret n° 2018–335 du 25 juillet 2018 fixant les conditions et modalités d'exercice de la pêche en République du Bénin
<b>c4</b>	2018 Décret n° 2018–334 du 25 juillet 2018 fixant les conditions et modalités d'exercice de l'aquaculture en République du Bénin
<b>c5</b>	2008 Arrêté n° 2008–518/MAEP/D-CAB/SGM/DHR/DP/SA de 2008 portant interdiction de la pêche aux mysidaces dans les eaux maritime sous juridiction béninoise
<b>c6</b>	2006 Arrêté 2006–1903/MAEP/D-CAB/SGM//DRH/SA du 12 juin 2006 portant prohibition de la pratique de chalutage bœuf dans les eaux maritimes sous juridiction béninoise
<b>c7</b>	2005 Arrêté n° 3537 MAEP/D-CAB/SGM/DRH/DP/SA portant attributions, organisation et fonctionnement de la direction des pêches
<b>c8</b>	2003 Arrêté n° 421 MAEP/D-CAB/SGM/DA/DP/CSRH/SA portant conditions d'octroi d'agrément et d'autorisation aux établissements à terre, navires et installations isothermes pour les produits halieutiques
<b>c9</b>	1997 Arrêté interministériel n° 312/MDR/MISAT/DCAB/CC/CP portant attributions et fonctionnement des Comités et Conseils de pêche en République du Bénin
<b>c10</b>	1996 Arrêté n° 399 MDR/DC/CC/CP du 16 septembre 1996, portant définition de l'effort de pêche et les conditions de son exploitation dans les eaux maritimes béninoises
<b>c11</b>	1969 Arrêté n° 29 du 13 juin 1969 relatif aux différentes zones de navigation de pêche
<b>c12</b>	1950 Arrêté n° 207 EF/APA du 30 janvier 1950 interdisant l'utilisation des armes à feu ou les explosifs comme moyens de pêche
<b>D</b>	<b>Other Sector's Primary Legislation</b>
<b>D1</b>	2018 Loi n° 2018–10 du 16 avril 2018 portant protection, aménagement et mise en valeur de la zone littorale en République du Bénin
<b>D2</b>	2010 Loi n° 2010–44 du 24 novembre 2010 portant gestion de l'eau en République du Bénin
<b>D3</b>	2002 Loi n° 2002–16 du 18 octobre 2004 portant régime de la faune en République du Bénin
<b>D4</b>	1999 Loi n° 98–030 portant loi-cadre sur l'environnement en République du Bénin

Identification	Instruments of BENIN
<b>E</b>	Other Sector's Secondary Legislation
<b>E1</b>	2022 Décret N°2022-003 du 05 janvier 2022 portant création des aires marines protégées de Donaten et de la Bouche du Roy en République du Bénin
<b>E2</b>	2017 Décret n° 2017-332 du 06 juillet 2017 portant organisation des procédures de l'évaluation environnementale en République du Bénin
<b>E3</b>	2014 Décret n° 2014-785 du 31 décembre 2014 portant création, organisation, attributions et fonctionnement de l'Autorité Nationale Chargée de l'Action de l'État en Mer

Perceived level of alignment with the EAF legal requirement

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

## Appendix B. Ecosystem approach to fisheries legal checklist applied against selected national policy and legal instruments

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
	<b>Scope and definitions</b>								
General guidelines	1.	– Clearly outline the geographic and substantive scope of the application.	✓	✓	✓	✓	✓	(A3) Chapter 1 (B1) Articles 1 and 3 (C3) Article 3 (D1) Articles 2–4 (E1) Articles 1–3	
	<b>Principles and objectives</b>								
C.1 EAF concepts C.3 Precautionary approach C.4 Stakeholder participation C.6 Integration of lower level authorities	2.	– Clearly define and apply the precautionary approach.	X	∅	X*	∅	∅	(B1) Article 4(b) (D4) Article 4(a) (E2) Article 7	Provisions in (B1) and (E2) do not clearly define the precautionary approach.  Provision in (D4) is relevant for the precautionary approach but does not clearly define it.
C.7 Conflict management and C.11, C.13, C.14 and C.17	3.	– Broaden stakeholder participation with integration of lower level authorities and bodies.	✓	✓	✓*	✓	✓	(A2) Pages 186 and 238 (A3) Pages 53, 68–69 (B1) Articles 4(h), 12 and 18 (C9) Entire Order (D2) Articles 12–13, 29	



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		
							(E2) Articles 7, 22 and 60	
4.	– Ensure the right of access to fair and transparent information.	∅	X	∅*	∅	∅	(A2) Page 186 (A3) Annex 1(A.1.1.2 and A.2.7.3) (c7) Articles 4–8 (D4) Article 5(c) (E2) Article 7	Reference in (A2) concerns the principle of transparency. References in (A3) provide for workshops of information exchange, and for activities for sensitizing the public. Provision in (c7) requires the competent authority to collect and disseminate information about the fisheries sector. Provision in (D4) promotes information and education on the environment. Provision in (E2) is limited to providing for the principle of transparency and participation.

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		
5.	– Promote institutional coordination, cooperation and integration.		✓	∅	✓*	✓	X	(A2) Page 237 (A3) Chapter 6(6.1), Pages 39–40, 68–69 (B1) Article 19 (C1) Article 5 (C2) Article 3 (C9) Articles 11–13 (D4) Article 5	Provision in (B1) requires coordination with other States in the sub-region with regard to shared stocks and not with the national institutions.
6.	– Maintain ecological relationships among harvested, dependent and associated species.		X	✓	•*	✓	X	(B1) Article 4(f)(g) (D3) Article 3	
7.	– Promote sustainable development and avoid overexploitation of marine living resources.		∅	✓	✓*	✓	X	(A2) Pages 180–181 (A3) Chapter 1 (B1) Articles 3, 4(a)(e)(l) and 9(a) (C2) Article 3 (C7) Articles 4–8 (D1) Article 4 (D2) Articles 2, 3 and 9 (D4) Articles 4(c) and 49	References in (A2) and (A3) do not mention overexploitation of marine resources.
8.	– Preserve marine habitat, conserve and restore marine living resources and biodiversity.		X	∅	X*	✓	✓	(B1) Articles 3, 4(d) and 9(a) (D1) Article 10 (D4) Articles 4(a)–(c) and 49 (E1) Entire legislation	Provision in (B1) do not refer to restoration of marine living resources and biodiversity.

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
9.	– Promote ecosystem well-being, including the human biotic and abiotic components.	✓	✓	✓*	✓*	●*	(A1) Pages 24–25 (A3) Chapter 6(6.1) (B1) Articles 4(c)(f) and 9(a) (C2) Article 3 (D1) Articles 2 and 4 (D3) Article 3 (D4) Article 4(a)–(c)	Provisions in (D3) and (D4) lack specific reference to ecosystems.
10.	– Promote adaptive management measures, including their regular monitoring and review.	✓	✓	✓*	●*	●*	(A3) Pages 38 and 53, 70–71 (B1) Articles 16–18 (C7) Article 8	
11.	– Harmonize management measures, including those for shared resources.	∅	✓	✓*	✓*	●*	(A3) Pages 67–68 (B1) Article 19 (C9) Article 12 (D1) Article 4	Reference in (A3) concerns management measures for integrated water resources
12.	– Reduce and manage conflict between users and stakeholders over fisheries resources and ecosystems.	∅	X	✓*	●*	●*	(A3) Annex 1 (A2.4.8) (C7) Article 5 (C9) Article 11	Reference in (A3) is about conflict management concerning water use.
13.	– Consider socio-economic contexts (e.g. employment, livelihoods, equity, poverty, gender) when designing and implementing management measures.	✓	✓	✓*	✓*	●*	(A1) Pages 24–25 (A3) Pages 60–61 (B1) Articles 4(j)(k)(m) and 9(b) (C2) Article 3 (D1) Article 8	

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
							(D3) Article 3 (D4) Article 3(d)	
	14. – Promote management measures, designate the authority and outline the timeline and process for their monitoring and review.	∅	✓	●*	●*	●*	(A3) Annex 1 (B1) Articles 16–19	References in (A3) concerns integrated water management measures
	15. – Provide for the establishment of MCSE measures.	✓	✓	●*	●*	●*	(A1) Page 41 (B1) Article 11	
	16. – Promote ecosystem-based research plans/priorities, designate the authority and outline the timeline and process for their monitoring and review.	∅	X	X*	∅*	X*	(A3) Page 53 and Annex 1(A.1.6.1) (D4) Article 5(b)	References in (A3) do not outline the timeline and process for research plan monitoring and review.  Provision in (D4) refers generally to the research on environmental quality by public and private bodies.
	17. – Promote the right of access to education and awareness raising on EAF.	X	X	X*	∅*	X*	(D4) Article 5(c)	Provision in (D4) refers generally to promotion of information and education by public and private bodies.
	<b>Institutional arrangements</b>							
C.2	18. – Ensure new management boundaries, measures and plans are:	X	X	X	✓*	●*	(D3) Articles 47–56	

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		
Management boundaries and measures	(a) ecologically meaningful considering resource ranges, habitats and other ecological factors.								
	(b) overlapped closely and are harmonized with well-established management boundaries and governance structures.		X	X	X	✓*	✓*	(D2) Articles 47–56 (E1) Entire legislation	
C.4 Stakeholder participation	19. – Promote states cooperation on the harmonization of management measures and plans (bilaterally, regionally and internationally).		✓	✓	X	✓*	●*	(A3) Page 41 (B1) Article 19 (D2) Article 15 (D3) Articles 26–29	
C.5 Coordination, cooperation and integration	20. – Establish transparent and accessible mechanisms, bodies (including lower level authorities) or processes to:							(D3) Articles 47–56	
C.7 Conflict management	(a) support well-established management boundaries and governance structures on the basis of ecosystem considerations.		X	X	X	✓*	●*		
C.8 Integrated management of aquatic ecosystems	(b) outline conservation and management measures, including FMPs, at local and national levels.		X	✓	X	✓*	●*	(B1) Articles 14–19 (D3) Articles 47–49, 51–56	
	(c) facilitate coordination, cooperation and integration of management decisions, regulatory action, environmental policies, plans and programs.		✓	X	X	✓*	●*	(A3) Pages 68–69 (D2) Articles 26–28 (D4) Article 6	
	(d) monitor, assess and align the various environmental policies and plans.		X	X	X	X*	X*	(D4) Article 6	
	(e) manage conflict over fisheries, relevant resource and ecosystem, including parameters for decision-making and resolving the conflict.		X	X	∅	X*	X*	(C7) Article 5	Provision in (C7) requires the competent authority to propose measures for limiting the conflicts between

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		
	(f) ensure integrated management of aquatic ecosystems (e.g. integrated coastal zone) based on ecosystem delimitations.	✓	X	X	✓*	●*	(A3) Pages 8, 15–32 (D1) Article 2 (D2) Articles 29–30	
	(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*	(A3) Page 38	
	(i) ensure periodic reviews of conflict management processes.	X	X	X	X*	X*		
21.	– Clearly outline powers, roles and responsibilities of all bodies, designated authorities, their relationships and processes, avoiding overlapping and conflicting mandates.	✓	✓	✓	✓*	●*	(A3) Annex 1 (B1) Articles 11–13 (C2) Entire Order (C7) Entire Order (C9) Articles 1–11 (D4) Articles 6–11	
22.	– Outline mandates for the government institutions to: (a) coordinate efforts, cooperate and integrate approaches, from the local to the national levels.	✓	✓	✓	✓	✓	(A3) Page 59 (B1) Article 18 (C2) Articles 3, 14 (C9) Articles 11–13 (D2) Articles 12–13 (D3) Article 48 (D4) Articles 7–8	

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
								(E2) Articles 54–73	
		(b) coordinate, cooperate and integrate the regional and international processes and arrangements.	✓	✓	✓	X	X	(A3) Page 41 (B1) Article 19 (C2) Article 3	
		(c) allocate financial, human and material resources to ensure the integration of lower level authorities	✓	X	✓	X	X	(A3) Pages 53 and 59 (C2) Article 3	
		<b>Stakeholder participation, coordination, cooperation and integration</b>							
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	✓	(B1) Article 12 (C2) Articles 4–5 (C9) Articles 1–10 (E2) Article 61	Provision in (B1) allows the discharge of management of fisheries to other management bodies, the creation and composition of which is to be established by decree.
C.5 Coordination, cooperation and integration									
C.6 Integration of lower level authorities, bodies and stakeholders	24.	– Establish and properly publicize public meetings or hearings.	X	X	X	✓	✓	(D4) Articles 54 and 91, 96–102 (E2) Articles 31, 54–73	
C.8 Integrated management	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	✓	(E2) Article 60	

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	26.	– Promote international cooperation for effective integrated management of aquatic ecosystems.	✓	X	X	✓	X	(A3) Page 41 (D2) Article 15 (D3) Articles 26–29	
		<b>Fisheries management</b> <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	N/A	N/A	(B1) Articles 15(c) and 24(b)–(f)	Provision in (B1) requires the FMPs and fishing authorizations to fix the TAC.
	28.	– Ensure authority to institute TACs and to allocate individual quotas is representative, including representatives from lower levels of government.	X	X	X*	N/A	N/A		
	29.	– Ensure procedure for TACs outlines the category of vessels to which the TAC applies; period of time for which the TAC is declared; process for sub-dividing the TAC into individual quotas; timeline, authority and participatory process for periodic monitoring and review.	X	X	X	N/A	N/A		
	30.	– Coordinate the TACs for shared stocks or highly migratory species with international or regional management measures.	X	X	X*	N/A	N/A		
	31.	– Monitor the catch in real-time and close a fishery when the TAC is reached.	X	X	X*	N/A	N/A		
	32.	– Attach catch controls to licenses and access agreements, including authority responsible for allocating, issuing and regulating quotas, and the procedure to be followed.	X	∅	X*	N/A	N/A	(B1) Article 24(b)–(f)	Provision in (B1) does not address allocation of catch 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		
	33.	– Outline the ability to institute additional catch controls (e.g. bag limits for recreational fishing), including the authority responsible for allocating, issuing and regulating quotas, and the procedure to be followed.	X	X	X*	N/A	N/A		
		<i>Effort/input controls</i>							
C.9 Controls on fishing operations C.10 Fishery management plans C.17 Monitoring and review	34.	– Define a broad fishing license scheme to regulate access to fisheries and fishing vessels with timeline, authority and process for renewing the license, monitoring and compliance, and permit suspension and revocation of the license for non-compliance.	X	✓	✓*	N/A	N/A	(b1) Articles 22–32, 51, 57–59, 62–63 (c3) Articles 12–31 (c8) Entire order	(c8) is about the authorization scheme for putting in place or operating a fishing processing establishment in land or in a factory ship.
	35.	– Designate authority responsible for allocating, issuing and regulating licenses, specified license duration, requirement of a fee and conditions that may be attached to licenses.	X	✓	✓*	N/A	N/A	(b1) Articles 22–32 (c3) Articles 12–31	
	36.	– Outline process for establishing provisions for effort controls (e.g. limitation on vessel capacity, on expansion of fishing fleet, on allowable days spent at sea).	X	X	✓*	N/A	N/A	(c10) Entire Order	
	37.	– Outline specific details of fishing license scheme (e.g. number of licenses to be allocated, permit conditions for each fishery).	X*	X*	✓	N/A	N/A	(c3) Articles 12–3	
	38.	– Empower the designated authority to establish additional regulations for licensing.	X*	✓	●*	N/A	N/A	(b1) Articles 32, 54 and 64	
	39.	– Empower authority to regulate effort controls and respective parameters.	X*	∅	✓*	N/A	N/A	(b1) Article 15(c) (c3) Article 6 (c10) Entire Order	Provision in (b1) requires the FMPs to fix the optimal level of fishing effort.

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		
									(c10) is an order issued by the competent Ministry and institutions, concerning fishing efforts controls.
	<b>Fishing gear and method controls</b>								
C.9 Controls on fishing operations C.10 Fishery management plans C.17 Monitoring and review	40.	– Establish requirements on fishing gear and methods that are permitted for use within a given fishery or area, including related technical specifications (e.g. general prohibitions on types of gear, methods, specifications on gear design, minimum mesh sizes).	X	✓	✓	N/A	N/A	(b1) Articles 73(a), 75–78 and 85 (c3) Articles 41–43 (c7) Articles 3–6	
	41.	– Outline prohibitions on highly destructive gear and fishing methods (e.g. fishing by toxic substance, explosives, electricity, fishing with the use of light).	X	✓	✓*	N/A	N/A	(b1) Article 73(b)(c) (c3) Articles 41–43 (c12) Articles 1–2	
	42.	– Outline requirements aimed at reducing negative impacts of fishing methods and gear (e.g. prohibition of trawling in areas with sensitive seabed habitat, require use of biodegradable nets, restrict the use of FADs or require use of bycatch reduction devices).	X	✓	✓	N/A	N/A	(b1) Articles 73(a)(d)(e), 75–78 and 85 (c3) Articles 41–43 (c6) Entire Order	
	<b>Spatial and temporal controls</b>								
C.9 Controls on fishing operations c.10	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	(b1) Article 15(e)	Provision in (b1) requires the FMPs to define the periods of fishing.
	44.	– Empower authority to define spatial and temporal controls and the procedure.	X	✓	●*	N/A	N/A	(b1) Articles 83–84	

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
Fishery management plans c.17 Monitoring and review	45.	– Ensure stakeholder and institutional consultation, both at national and lower levels, in the process of defining spatial and temporal controls.	X	∅	X*	N/A	N/A	(b1) Articles 83–84	Provisions in (b1) do not involve lower level authorities.
	46.	– Establish technical details and specifics on spatial controls.	X*	X*	X	N/A	N/A		
	<b><i>Fishery management plans</i></b>								
C.9 Controls on fishing operations	47.	– Designate authority with power and responsibility to develop, approve, adopt and publicize a FMP, clearly outlining the roles and responsibilities.	X	✓	✓*	N/A	N/A	(b1) Articles 14–19 (c3) Article 7	
	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*	(b1) Article 55 (c3) Article 6(f)	Provision in (b1) requires the FMP concerning continental fishing to be in conformity with other FMPs.
C.10 Fishery management plans	49.	– Establish process for approval, adoption and publication of FMP with its periodic review.	X	✓	✓*	N/A	N/A	(b1) Articles 14–19 (c3) Articles 7-8	
C.17 Monitoring and review	50.	– Detail process of drafting FMP, including multi-level and multi-sector collaboration and consultation with stakeholders, and a participatory transparent process for monitoring and reviewing the FMP at a minimum within five years of their development.	X	✓	✓*	N/A	N/A	(b1) Articles 16–18 (c3) Articles 7-8	
	51.	– List the minimum requirements in the FMPs:	X	∅	✓*	N/A	N/A	(b1) Article 15(b)(d) (c3) Articles 5 and 6(a)	Provisions in (b1) do not precisely refer to an EAF
		(a) management objectives that take into account EAF;	X	✓	✓*	N/A	N/A	(b1) Article 15(a) (c3) Article 6(b)–(d)	
		(b) biological description of fishery and ecosystem in which it takes place;	X	✓	✓*	N/A	N/A	(b1) Article 15(a)	
		(c) social, economic and institutional aspects of the fishery;	X	✓	✓*	N/A	N/A	(b1) Article 15(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		
							(c3) Article 5	
	(d) species composition and levels of bycatch, both retained and discarded;	X	X	✓*	N/A	N/A	(c3) Article 6(b)–(d)	
	(e) ecological relationships between harvested, dependent and associated species;	X	X	✓*	N/A	N/A	(c3) Article 6(b)–(d)	
	(f) impact of other anthropogenic activities on the ecosystem; and	X	∅	✓*	N/A	N/A	(b1) Article 74 (c3) Article 6(h)	Provisions in (b1) clarifies that the competent administration will determine by order of the competent Ministry the prohibited fishing gears and methods under FMPs.
	(g) a review of the relationship with other coastal or marine resource management plans.	X	X	✓*	N/A	N/A	(c3) Article 6(f)	
	<b>Conservation measures</b>							
C.14 Habitat and biodiversity conservation and restoration	52. – Incorporate the consideration of habitat and biodiversity in the processes for establishing management measures (e.g. outline habitats and species related to the fishery and take measures to limit the negative impacts of fishing on them) or gear regulations.	X	✓	✓*	✓*	X	(b1) Article 73(a) (c5) Article 1 (c6) Entire Order (p1) Article 10 (p4) Articles 49–52	
	53. – Ensure special protection for marine mammals, sea turtles and other particularly vulnerable marine life (e.g. set prohibitions or limitations), in coordination with other national designations or protections and regional and international conservation and management measures.	X	✓	●*	●*	●	(b1) Articles 79 and 82	

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		
54.	– Ensure coordination between the various authorities involved in marine environment protection.		X	∅	X*	X*	X	(b1) Article 11	Provision in (b1) requires the competent administration to ensure the coordination of MCS activities.
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	(b1) Article 80 (p3) Articles 31–34	Provision in (b1) empowers the competent Ministry to prohibit or impose restrictions on the capture, detention and trade in all protected aquatic species.
	(b) protected areas, ensuring the outline of the type of protected areas, description of their levels of protection (e.g. marine reserve, parks, sanctuaries or MPAs), the process for nominating, establishing and managing a protected area, including stakeholder participation particularly of local communities, consultation and coordination with various authorities, both at national and local levels.		X	✓	X*	✓*	∅	(b1) Article 84 (p3) Articles 13–24, 47–56 (p4) Articles 53–54 (e1) Entire legislation	(e1) does not detail the procedure of designating MPAs.
	(c) the restoration of damaged habitat and ecosystems, ensuring the process through which it is decided when, where and how a damaged habitat/ecosystem shall be restored, and the establishment of funds that may be used to engage in restoration activities.		X	X	X*	X*	X		
56.	– Ensure educational and awareness-raising activities for promoting habitat and biodiversity conservation and		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		
		restoration with the establishment of special funds to support such activities.							
C.15 Regulation of activities potentially harmful to aquatic ecosystems	57.	– Adopt measures to:  (a) regulate and reduce pollution of the aquatic ecosystems which should apply to all activities that might have an impact (including fishing, mining, shipping, etc.) and cover all types of pollution including bycatch, discharge of waste, vessel emissions, coastal runoff.	X	X	✓	✓	X	(c4) Article 4 (p1) Articles 2, 10, 49–58 (p2) Article 14 (p4) Articles 15–16, 25–38, 39–44, 65–85	
		(b) promote energy efficiency and reduce emissions that are applicable to fishing vessels, merchant shipping vessels and extractive industries, including through fuel efficiency standards, vessel size limitations and equipment restrictions for fishing vessels.	X*	X*	X*	X	X		
		(c) prevent and eliminate ghost fishing with the prohibition of the abandonment of fishing gear, notification of authorities when fishing gear is lost, regulation of materials used in the manufacture of gear.	X	X	X	X	X		
	58.	– Require authorization prior to the planned introduction of any species, including species meant for aquaculture or fish stocking, taking into account the precautionary approach, and establish measures to prevent the escape of exotic species into the wild.	X	∅	✓	X	X	(b1) Article 81 (c4) Article 10	Provision in (b1) does not require taking into account the precautionary approach not the establishment of measures to prevent the escape of exotic species into the wild.
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	X	X	X	✓	X	(p1) Articles 27–41	

**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		
		installations for use by industry, laying of underwater cables, military exercises, shipping.							
	60.	– Require EIS or EIAs for activities that have the potential to affect ecosystems that support fisheries (e.g. fishing, aquaculture, mining, petroleum extraction, coastal development).	X	X	✓	✓	∅	(c3) Article 4 (p2) Article 16 (p3) Articles 22 and 50 (p4) Articles 54, 87–88 (E2) Articles 24–27	Provision in (E2) determined that the list of projects subject to EIA is to be defined by Order of the Minister.
	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*	✓	✓	(p4) Article 90 (E2) Article 36	
	62.	– Establish process for submission, review and decision-making on the EIS or EIA, with designation of authority responsible for receiving, reviewing and deciding upon the EIS or EIA (e.g. the minister responsible for environment), opportunity for public participation (e.g. comment periods and hearings), consultation with other relevant government institutions or localities, and determination of adequate mitigation measures.	X	X*	X*	✓	✓	(p4) Articles 54, 87–95 (E2) Articles 24–44	
		<b>Fishery monitoring and research</b>							
C.13 EAF research	63.	– Establish research programme for furthering the knowledge and understanding of EAF.	∅	X	X*	X	X*	(A1) Annex 1 (A2.6.1)	Reference in (A1) does not mention fisheries among the areas of research.
	64.	– Designate authority for conducting and involving stakeholders in the research programme.	✓	∅	∅*	X	X*	(A3) Annex 1 (A2.6.1 and A.2.6.2) (B1) Articles 11, 57–61	Provisions in (B1) and (C7) do not address the involvement of

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
								(c7) Article 8 (E3) Article 4	stakeholders in the research programme.
	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*	(A3) Annex 1 (A2.6.2) (B1) Articles 82, 84	Reference in (A3) concerns the dissemination of research results.
		<b>MCSE</b>							
C.11 MCSE	67.	– Outline an observer scheme with details on the categories of vessels/fisheries that it applies to and the role that observers play (which may be tailored to the category of vessel or the type of fishery and may be limited to the collection of catch/effort data and the collection of scientific samples, or may include the authority to register and/or report violation of management measures).	X	∅	X	N/A	N/A	(B1) Article 41	Provision in (B1) empowers the competent administration to require the embarkment of observers on national or foreign industrial fishing vessels operating in the maritime waters under Benin’s jurisdiction.



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		
68.	– Ensure observers have full access to all parts of the vessel and its equipment and to any place in the country where fish that have been caught in national waters are uploaded, processed, stored or transshipped.		X	∅	X	N/A	N/A	(b1) Article 41	Provision in (b1) clarifies that the conditions for embarkment of observers are to be defined by order of the competent Ministry.
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	X	N/A	N/A		
71.	– Ensure reporting of catch and effort data, clearly identifying the vessels that are expected to report (at least all commercial fishing vessels that fish within national waters and all nationally-flagged vessels authorized to fish within waters under national jurisdiction and in ABNJ), to whom they are required to report (the designated authority), the frequency and timing of their reports, and the method or format in which they are required to report (e.g. weight of fish caught, including percentage of bycatch, species, dates of fishing, fishing zones, gear/methods employed, type of vessel, time of departure from national waters and catch status at that time).		X	✓	X	N/A	N/A	(b1) Articles 34, 40, 43, 50 and 61	
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	(b1) Articles 38, 47, 49 and 52	

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		
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	N/A	N/A	(b1) Articles 39, 46, and 53	Provisions in (b1) requires the registration of the various categories of fishing vessels but does not detail the process nor the information to be registered.
75.	– Detail the specifications for marking vessels and fishing gear in accordance with internationally approved standards.	X	∅	X	N/A	N/A	(b1) Articles 33, 37 and 45	Provisions in (b1) do not detail the specifications for marking of fishing vessels and gear.
76.	– Ensure cooperation and coordination between fisheries and maritime authorities throughout the registration process.	X	X	X	N/A	✓	(e3) Article 6	
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	✓	✓	N/A	N/A	(b1) Articles 92–94 and 96 (c1) Article 4 (c5) Article 3	

Perceived level of alignment with the EAF legal requirement

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

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
	78.	– Ensure the controls placed on landing and transshipping of fish, both at sea and in port, and by national and foreign vessels, is in accordance with regional and international instruments.	X	✓	X	N/A	N/A	(b1) Articles 35–36	
	79.	– Provide additional VMS specifications and specific details on the registration process.	X*	X	X	N/A	N/A		
	<b>Enforcement processes and sanctions scheme</b>								
C.12 Offences, penalties and administrative and judicial processes	80.	– Detail the fisheries-related offences (civil or criminal) and corresponding penalties, weighted depending on the level of severity of the offence but outlined in a way that maintains their strength over time (e.g. utilize formulas such as a percentage of the total market value of the sale of the illegal catch, or penalty units).	X	✓	✓	✓	X	(b1) Articles 110–116 (c3) Articles 46-48 (c12) Article 7 (d2) Articles 72–90 (d3) Articles 152–168 (d4) Articles 112–21	Provision in (c12) concerns offences for use of prohibited fishing gears.
	81.	– Establish transparent and equitable administrative processes for determining and confirming offences, applying relevant penalties, with provision for compounding of offences/out-of-court settlement.	X	✓	✓	✓	X	(b1) Articles 91 and 95, 97–105 (c3) Articles 46-48 (c12) Article 8 (d2) Articles 143–151	Provision in (c12) clarifies the procedures for prosecuting follow the Criminal legislation.
	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	(b1) Articles 106–109	



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 Benin. 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**

Fisheries and aquaculture - Natural Resources and Sustainable Production  
Food and Agriculture Organization of the United Nations

**Contact:** info-eaf-nansen@fao.org  
**Website:** <http://www.fao.org/in-action/eaf-nansen/en/>



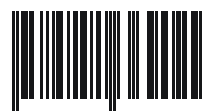
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