



# SUSTAINABLE FISHERIES MANAGEMENT PROJECT (SFMP)

## Fisheries Working Group Legislative Review Regional Consultations with Fishers, Traditional leaders & CSOs



SEPTEMBER, 2018

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**Cover photo:** Picture of the District Chief Executive of Shama District inaugurating the reconstituted co-management committee. Together with the committee members are some members of the advisory group

Photo credit: Philip Prah, FoN

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## **ACRONYMS**

ADR	Alternative Dispute Resolution
ASP	Assistant Superintendent of Police
CSOs	Civil Society Organization
DSP	Deputy Superintendent of Police
EEZ	Economic Exclusive Zone
EU	European Union
FBB	Far Ban Bo
FC	Fisheries Commission
FDF	Fisheries Development Fund
FEU	Fisheries Enforcement Unit
FIA	Fisheries Impacts Assessment
FoN	Friends of the Nation
FWG	Fisheries Working Group
GDP	Gross Domestic Product
GHS	Ghana Cedis
GIFA	Ghana Inshore Fisheries Association
GITA	Ghana Industrial Trawlers Association
GNCFC	Ghana National Canoe Fishermen Council
IUU	Illegal Unregulated Unreported
LI	Legislative Instrument
MCS	Monitoring, Control and Surveillance
MOFAD	Ministry of Fisheries and Aquaculture Development
NAFPTA	National Fish Processors and Traders Association
NICFC	National Inland Canoe Fishermen Council
SDG	Sustainable Development Goals
SFMP	Sustainable Fisheries Management Project
SUPT	Superintendent

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## **SECTION 1: INTRODUCTION**

The Ministry of Fisheries and Aquaculture Development (MOFAD) has initiated processes for the review of Ghana's fisheries laws, the review is ongoing and expected to be completed by the end the year 2019. The legislation review was necessitated by stakeholder demands for a more comprehensive fisheries laws that respond to current global and emerging fisheries management trends. MOFAD as part of the process, engaged a consultant to develop drafting instructions to guide the fisheries legislation review. The drafting instructions developed by the consultant was circulated in the last quarter of 2016 by MOFAD to selected stakeholders for inputs, however for several months, MOFAD did not received responds and inputs from stakeholders as expected. This was partly, because the drafting instructions was not widely distributed to the broader stakeholders and also because MOFAD did not organized any forum to explain the review process and the content of the drafting instructions to inform and prepare stakeholders of what inputs to submit.

In view of this, FoN organized a 3-day legislative review consultative workshop with support of USAID/SFMP and the Far ban Bo (FBB) project funded by the European Union (EU). Participants for the workshop included representatives from; fisher folk's associations, women fishers' groups, canoe/ gear owners, fish workers, canoe/boat captains, fishing crew members, District Assemblies, Traditional leaders, media, government agencies, Civil Society Organizations (CSOs) and other underrepresented groups.

The workshop was used to explain the legislation review process and the content of the drafting instructions to inform and prepare stakeholders of what inputs were expected. The workshop provided the platform to collate stakeholder inputs including their interest, concerns on the existing regulations.

The workshop was used to also collate new areas for inclusion to the future fisheries laws in line with best practices; specific input included the proposals for the introduction of fishing Quotas, Subsidy removal, reduction of fishing effort and other conservation measures.

Importantly, the workshop provided an important opportunity for stakeholders to participate in the review of the legal and regulatory frame work with the aim to improve the regulations and governance of the fisheries sector.

This report shares the key output of a 3-day legislative review consultative workshop organized from 14<sup>th</sup> to 16<sup>th</sup> February, 2018 at Akromah Plaza Hotel in Takoradi, Western Region.

This report also presents the collated inputs for the drafting instructions that will be used to guide the development of a new fisheries law for Ghana.



## 1.1 Background

Ghana's fisheries industry contributes significantly towards the social, cultural and economic development of the country. The fisheries sector specifically, supports Ghana's national economic development objectives relating to food security, employment, poverty reduction, GDP and foreign exchange earnings. Fish also provides the Ghanaian consumer with about 60% of his or her animal protein needs and supplies naturally augment food availabilities ensuring good nutritional outcomes particularly to the poor and rural population. Also the vast number of people engaged in the fishing industry earn incomes that improve upon their access to food, medicine, clothing and other basic necessities of life. The fisheries sector indeed has far-reaching implications for food security in Ghana.

However, the sector is faced with the challenge of declining marine fisheries resources, and this decline has been attributed to weak governance due to inadequate legal and regulatory framework for the fisheries sector. These weaknesses have also tolerated widespread Illegal, Unreported and Unregulated (IUU) fishing. Stakeholders have also raised concerns about governance weaknesses that have permitted over-capitalization, open access, low compliance and weak Monitoring Control and Surveillance (MCS).

Attempts by Ghana Government to address some of the challenges include;

- The enactment of the Fisheries Act, Act 625 in 2002; the Act 625 established the Fisheries Commission which was also a constitutional requirement. Act 625 created the Fisheries Development Fund (FDF) to finance fisheries management and established the MCS Division for enforcement of the Act. The Fisheries Act 625 also provided for the integration of the Directorate of Fisheries into a more robust Commission for the management of the utilization of the fisheries resources of Ghana and the coordination of the policies in relation to them.

To also improve the management of fisheries resources, various management documents and additional regulations were developed; these include but not limited to the following:

- National Fisheries and Aquaculture Policy.
- Fisheries Development Plan 2010-2015.
- Ghana National Aquaculture Development Plan, etc.
- Fisheries Regulation (LI 1968) in 2010.
- Fisheries Amended Act, Act 880.
- Fisheries Amended Regulation of 2015. (LI 2217)
- National Marine Fisheries Management Plan (2015-2019).
- Etc

## **1.2 Fisheries Legislation Review**

The Ministry of Fisheries and Aquaculture Development (MOFAD) have indicated that after 16-years of the passage of the parent fisheries law, Act 625 in 2002 and the accompanying regulations, several global and local transformation and fisheries management approaches have emerged that require a review of Ghana's Fisheries Act 625 to reflect the new trends.

MOFAD further indicated that the Act 625 is faced with inadequacies in several respect and has not been adequate to address several forms of IUU fishing.

Fisheries stakeholders have also complained about weaknesses of the Fisheries Laws and Regulations (Act 625 of 2002, LI 1968, Act 880, etc.) to address current and emerging trend of fisheries governance. Other weakness identified by stakeholders include enforcement and prosecution weaknesses, where the current Fisheries Act 625 and associated regulations have not been adequate to support successful prosecution in some cases. Also stakeholders including Fishers, Traditional Leaders, CSOs, Media, etc. have complained about poor stakeholders' consultation during the enactment of the Act 625 and the others fisheries laws.

In responds to these concerns, MOFAD has begun the process for the review of the fisheries laws. According to MOFAD, the main objective for the fisheries legislation review is to have a more comprehensive fisheries legislation which is adaptive and adequately incorporates the views of key stakeholders and also respond to new global trends in the fisheries governance.

### 1.3 Fisheries Legislation Review Workshop

The 3-day Fisheries Legislation Review workshop was organized by the Friends of the Nation, Care and Oxfam in collaboration with MOFAD and with funding from USAID/SFMP project and the European Union. The workshop brought together a total of 91 participants (19 females and 72 male) including; Traditional Leaders, local fishermen, women fish processors/ Mongers, Inshore fishers, Industrial trawling fishers, Fisheries Commission, Marine Police, Fisheries Enforcement Unit, the Navy, Development Partners, etc.

### 1.4 Key Output of Workshop

This 3-day workshop was led by the Fisheries Working Group (FWG) and provided the platform to inform stakeholders on the content of the drafting instructions. At the workshop, key stakeholders selected from the four (4) coastal region of Ghana (Volta, Greater Accra, Central and Western Region) were informed about the content of the drafting instructions for the first time.

**Though most of the participants had worked in the fisheries sector for several years, participants indicated that the workshop was the very first time they were been involved in the process of the drafting of a fisheries law.**

The workshop therefore, provided the platform to collate inputs from participants for the drafting instructions for Fisheries future fisheries law.

Specific inputs collated for the drafting instructions from the workshop participants were categorized under the following headings: Governing Body, Statutory Committees, Monitoring, Control and Surveillance (MCS) and Enforcement, Interpretations, Definitions, etc.

#### **Governing Body:**

- Participants recommended the need to increase the number of Fisher folk's representation on the Fisheries Commission Board from one (1) to two (2) members. Participants explained that the current membership of only one (1) representative from the local fisher folks was not adequate. They explained that there was the need for fair representation for both Inland/Aquaculture and Marine Captured fisheries. So they strongly recommended two members on the Board. i.e. one (1) representative from inland and another representative from Marine was
- Participants also expressed that the Fisheries Act 625 did not include any representative of women fishers on the Fisheries Commission Board. Therefore, participants recommended the urgent need to include one women fish monger/ processor representative on the board. They explained that the inclusion of a women representation of gender roles and participation that will promote gender fairness and encourage fisheries policy to response to women issues.
- Participants also strongly recommended the need to include Traditional leaders' representative on the board. Participants argued that, a traditional leader from a major fishing community and with requisite knowledge of the fisheries sector could be added to the board.
- *Participants recommended that some institutions representatives on the board such as the Ghana Irrigation Development Authority, Water Research Institute, etc could be removed to accommodate the new additions to keep number of board members at 11 as required.*

#### **Statutory Committees:**

- Participants noted that the drafting instructions was silent on the Out-of-Court settlement committee. They explained that the Fisheries Out-of-Court Settlement Committee plays very important role for fisheries prosecution. Therefore, participants recommended that it could be included under the Statutory Committee.

### **Monitoring, Control and Surveillance (MCS) and Enforcement.**

Participants stressed that MCS activities were very important to ensure full implementation of the laws. Therefore, participants recommended the following:

- Authorized officer under the MCS should not be limited to only public officers but could be expanded to include non- public officer, who could play a key role to combat IUU fishing.
- Community based organizations could also be considered as MCS groups at the various levels (E.g. The Chief Fishermen could be a responsible Officer as part of the Management committee). These groups could assist in evidence gathering and reporting of IUU cases
- A representative from GNCFC/ Fishermen, women representative and local authorities could also be designated as authorized officers for MCS at the community level and assigned to report illegal fishing activities.

### **Interpretations**

Participants recommended the need for detail interpretation of the various terminologies and key words used in the drafting instructions and the fishing laws to ensure clarity.

For example, it was recommended that the following key words need to be defined.

- **Canoe:** Artisanal canoes needs to be defined especially the size, length and capacity of the canoe. To provide clear distinction to other class of vessels.
- **Estuary:** The boundary of an estuary, especially how far into the marine space could be classified as estuary for no fishing activity, the eastward and westward boundaries needs to be defined to also provide clarify for compliance and enforcement.
- **Fishery:** Definition of fisheries for the purpose of the law is important.

### **Other Definition recommended by participants included the following;**

- **Local Industrial Vessels:** the size, capacity, endurance, etc for a local industrial vessel needs to be defined
- **Semi Industrial Vessels:** the size, capacity, endurance, etc for a Semi industrial vessel needs to be defined.
- **Meaning of Reasonable Grounds:** participant noted that the use of the phrase reasonable grounds in relation to evidence gathering and prosecution need to be explained or clarified to ensure that one is clear of what it means to enhance the implementation of the law.

## **1.5 Key Conclusion**

Participants concluded that the legislation review process was very important and provides opportunity to identify the gaps and challenges of the Act 625 and the other fisheries regulations. Participants however, proposed the following recommends below to support the legislative review process.

- *The need for a comprehensive study of the existing fisheries laws to identify all the weakness so that a future law could address all those weaknesses.*

- *The need for publicity of the legislative review process to inform stakeholders of the exercise and encourage them to submit inputs and participate in the process.*
- *Broader stakeholder consultations led by MOFAD and FC to ensure that all fisher Associations, Academia, CSOs, Donors, Media, Policy Makers, etc. have been consulted to collate their input for the legislation review.*

Participants proposed that MOFAD needs to facilitate this stakeholder consultation process by; circulating a formal letter on the Ministry's letter head to formally inform stakeholders of the impending legislative review and request for official support/ input for the review.

Participants recommended that a schedule with detail plan with time lines for this review needs to be shared by MOFAD. Especially stakeholders want to know the following:

- What are the time lines for this important legislation review?
- How long do we have for stakeholder consultation?
- When does the draft bill gets to the Attorney Generals Department?
- When should we expect it in Parliament, Etc?

Participants also recommended that MOFAD needs to share the plan of action for stakeholder consultations for the drafting process and content development for the bill. (stakeholders wanted to know how MOFAD plans to consult broader stakeholders, geographical consultations, etc. and which areas need stakeholder support/ funding, etc.)

Participants recommended the urgent need for MOFAD to convey a planning meeting with key actors, Development Partners, CSOs, fisheries project implementation partners, etc. To discuss the plan of action and the time frame for the legislation review and discuss how stakeholders could support the processes.

**NB: Stakeholders stressed the need for MOFAD to build partnership and collaboration with stakeholder to ensure active participation and support for the legislation review process.**

## **SECTOIN 2: DETAIL WORKSHOP SESSIONS**

The 3-day workshop was facilitated through a participatory process to ensure participants adequate appreciation of the content of the drafting instructions for the future fisheries law. Small groupings/ syndicate sessions and plenary sessions were used to facilitate interactive platforms for cross learning and sharing during the workshop. Well informed facilitators and moderators were used to guide discussions at the workshop to ensure active participants participation and optimal input gathering for the drafting instructions and the future fisheries laws. The resources persons and facilitators used English and the local languages to ensure the participants understood instructions and discussions at the workshop.

### **2.1 Workshop Sessions**

The workshop facilitated under the following sessions:

1. **Opening Session:** The opening session was used to share the purpose and objective of the workshop. The session was also used to share the detail agenda for the workshop to encourage participation of the workshop sessions. Key partners gave speeches and statements and shared their expectations and thoughts about the fisheries legislation review. A presentation of the key challenges with respect to implementation of fisheries Act 625 was also made to explain the identified prosecution gaps. Also the purpose for reviewing the fisheries laws was shared by a representative of Fisheries Commission.
2. **Syndicate Sessions:** Syndicate sessions adopted the use of small groupings of stakeholders to provide active platforms for participation of participants. The syndicate sessions involved grouping of participants into working groups to hold in-depth

discussions on specific thematic sections of the drafting instructions. There were three (3) syndicate sessions for each round. Each syndicate session was facilitated by pre-trained facilitator and also a moderator from MOFAD/ Fisheries Commission. At the syndicate sessions references were made to the Fisheries Act 625 and other fisheries laws to inform the discussions.

3. **Plenary Sessions:** Plenary sessions were used to draw participants into deeper discussions on the various topics discussed in the separate syndicate sessions. The plenary sessions provided the platform for participants to be informed about the output from each syndicate group. At the plenary sessions the key areas discussed in each group were presented to all participants and additional inputs were collated from other participants in the plenary sessions.
4. **Closing Session:** The workshop ended with a closing session where the summary of issues collated from the Syndicate and plenary sessions were shared with stakeholders. The closing session began with presentation of the summary of input from the entire workshop for the drafting instructions. The closing session ended with closing remarks from organizers and key stakeholders.

## 2.2 Opening Session: Remarks and Statements

The opening session was facilitated by Mr. Eric Mawuko Atsiatorme from FoN, the session began with a prayer by Madam Ruby Adukpo from NAFPTA. This was followed by the following;

- The chairman's opening remarks (Nana Kobina Nketsia V)
- Welcome statement by Mr. Mevuta, Ex. Director of Friends of the Nation
- Statements from key stakeholders.
  - Mr. Christopher Ackon, Program Officer, European Union Delegation Accra.
  - Mr. Scott Apawugya, Greater Accra Regional Director of Fisheries
- Introductory Presentation by Lawyer, DSP. Sandra Tawiah Akorsah of the Marine Police & FEU.
  - Statement by co-chair of the opening session, Nana Akosua Gyamfiaba II, Queen Mother, Nyankrom in Shama.

### 2.2.1 Chairman's Opening Remarks

The opening session was chaired by Nana Kobina Nketsia V, the Paramount Chief of Essikado.

In his opening remarks, he explained that Ghana has a long history of traditional fishing that was successfully managed by traditional and customary laws before central government's involvement in fisheries management. ***He noted that the earlier fisheries laws including Act 625 failed to recognize the unique role of traditional and customary practices. He explained that, this omission was one of the reasons for difficulty in implementing the fisheries laws.***

He explained that about 90% of Ghanaians do not understand the ecological justification of the fisheries laws. He noted that the workshop presented an important opportunity for stakeholders especially fisher folks to make inputs for the drafting of a future fisheries law. He explained that the fisheries legislation review would help the nation produce a more comprehensive law that would adequately address gaps identified in the existing Fisheries Act 625.

Nana acknowledged the effort of Friends of the Nation (FoN) for bringing Traditional Authorities, fisher folks and other important stakeholders to participate in the workshop.

Nana Nketsia V also encouraged participants to take full advantage of the opportunity provided by the workshop to thoroughly review the drafting instructions for the future fisheries law.

Finally, he encouraged stakeholders and development partners to support the development of a comprehensive but practical fisheries laws that respect the tradition and culture of Ghanaians.



**Figure 1. A picture with Nana Kobina Nketsia V, Paramount Chief of Essikado Traditional Area giving his opening remarks<sup>1</sup>**

### **2.2.2 Welcome Statement from Friends of the Nation**

Mr. Donkris Mevuta (Executive Director, FoN) delivered the welcome statement. In his statement, he explained that the Fisheries Act 625 passed in 2002 was about 16 years. He indicated that the Fisheries Act 625 was enacted with limited stakeholder input and therefore had shown some limitations over time. He noted that the legislation review process required adequate consultations to collate inputs to enrich the final document.

***Mr. Mevuta acknowledged that the drafting instructions of the new Fisheries and Aquaculture Development Bill represents a new paradigm shift in fisheries management.***

He therefore, encouraged stakeholders to take full advantage of the opportunity and make inputs to the new drafting instructions for the future fisheries law before it is laid in Parliament. He commended MOFAD's efforts to review the fisheries laws and encouraged

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<sup>1</sup> "This workshop has provided an important opportunity for stakeholders especially Traditional Authorities and Fisher folks to make inputs to the drafting instructions the for the future fisheries and aquaculture bill". Statement by Nana Kobina Nketsia V.

them to ensure that adequate stakeholder inputs are included. He acknowledged the presence of some important dignitaries such as EU, USAID and thanked them for supporting the workshop. He again thanked the Development Partners and stakeholders and encouraged them to have fruitful deliberations on the drafting instructions.



Figure 2.A picture of Donkris Mevuta, Executive Director of FoN, delivering the welcome statement at the workshop.

### 2.2.3 Statement from European Union

The statement from the EU was given by Christopher Ackon (Programs Officer, EU). He noted that the workshop will help Ghana eventually have an improved fisheries legislation.

Mr. Ackon said the 3-day introductory workshop would be an eye opener because there were gaps in the Fisheries Laws and the concerns of stakeholders needs to be heard by the Fisheries Ministry. ***He explained that the workshop presented an opportunity for fisher folks to make inputs to the future fisheries law. He reiterated the need for open discussions to ensure that all concerns and inputs were collated from participants.*** He also observed that participants may have various interest in reviewing the Fisheries Laws E.g. Marine pollution (different types of rubbish), IUU (using unapproved size of net to fish etc.). He however, reminded participants that the Fisheries resources provides livelihood support to

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<sup>2</sup> “The Act 625 of 2002 was with limited stakeholder participation which made it difficult for effective implementation. The workshop therefore provided a golden opportunity to ensure that stakeholder inputs are collated and captured in the new draft before it goes to the Attorney Generals and to Parliament. Mr. Donkris Mevuta.

<sup>3</sup> “The Fisheries Commission’s efforts to make stakeholders and civil society organizations review and make inputs into the drafting instructions of the new Fisheries and Aquaculture Development Bill represents a new paradigm shift.” Mr. Donkris Mevuta



about 10% of the Ghanaian and stressed the need to conserve it. He noted that the protection and conservation of the Marine resources would ensure that future generations continue to enjoy the benefits in the future.

Mr. Ackon implored the facilitators to ensure that the issues discussed at the workshop are relayed to the various constituents for further discussions in order to collate adequate inputs for the future Fisheries Law.” Lastly, he thanked the fisher folks and other stakeholder for participating in the workshop and encouraged them to participate actively in the review process.



Figure 3. A picture with Mr. Christopher Ackon, Program Officer, European Union Delegation Accra, making his statement<sup>4</sup>

#### **2.2.4 Statement by Mofad**

Mr. Scott Apawugya, the Greater Accra, Director of Fisheries Commission delivered a statement on behalf of the Chief Director of the Ministry of Fisheries and Aquaculture Development. In his statement, he said the fisheries sector continue to provide several benefits for Ghanaians. He acknowledged that the sector was very important because it has linkages with other sector of the economy and provides livelihoods for about 2.7million Ghanaians.

***He admitted that the Fisheries Act 625 of 2002 may not be adequate in some ways to address the emerging challenges of global fisheries and there was the need for review of the Act.*** He added that Ghana had signed on to some international fisheries related treaties

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<sup>4</sup> . “If the sea is not protected, our future generations will be denied of the benefits derived from the sea” Mr. Christopher Ackon.

and conventions so there has been the need to review the fisheries laws to incorporate those international treaties.

He encouraged participants and stakeholder to reflect on the existing law and especially make proposals to review parts of the law that they have identified as problematic. He encouraged participants to actively take ownership of the legislation review process and ensure that they participate fully in the process. He finally urged participants to cooperate with organizers of the workshop and ensure that it was successful.



**Figure 4. A picture with Mr. Scott Apawugya, Greater Accra Regional Director of fisheries speaking the workshop.**

### **2.2.5 Introductory Presentations and Discussions**

An introductory presentation Titled “*The Gaps in Fisheries Laws for Prosecution and What a New Law Should Be Addressing*” was delivered as part of the opening session. The presentation was made by DSP, Lawyer, Sandra Akorsah-Tawiah (Prosecutor from the Marine Police Division, Tema). Her presentation looked at the gaps in the fisheries Act 625 and the Fisheries Regulations. She also discussed and made recommendations on the following: Effective Prosecution, Proper Investigation, Institutional coordination, etc.

Below are some highlights of the presentation.

#### ***Gaps in the Fisheries Act 625 and the Fisheries Regulations***

DSP Tawiah explained that the Fisheries Act 625 and the Fisheries Regulations were good in many ways. However, she noted there were gaps in the fisheries laws that needed to be addressed. She explained that some of the gaps of the fisheries laws included the following;

- Less punitive punishments for certain offences. E.g. regulation 11 of Fisheries Regulation 2010, (LI 1968) and Section 88 of the Fisheries Act, 2002 (Act 625), prescribe that offenses like light fishing, use of explosives and other obnoxious

chemicals for example could be charged from 25 Penalty Units (GHS 300.00) for first offenders to 500 penalty Units (GHS 6000.00) for multiple offenders. She argued that the fines were less punitive and there is the need to review them, if one considers the harm such illegal fishing methods induces to the fisheries and human health.

- Inadequate definition or clarity: she explained that, Section 31 of the fisheries regulation LI 1968 discusses incidental catches but does not differentiate between discard of fish and dumping of fish; she noted that such inadequate descriptions affects prosecution. Also on dumping of fish she explained that the regulation 32 of LI 1968, States that “(a) A person fishing (a) under the authority of a licence issued for commercial fishing shall not dump from any vessel fish that has been caught **which is suitable for human consumption** or (b) for personal use, for seafood, for recreational or sport purpose, **shall not dump fish that is suitable for human consumption.**” She explained that the provision above gives room for the argument or the reasons that fish dumped were “**not suitable for human consumption**”. She argued that such claims could be difficult to verify once the fish was dumped by a fisherman. She argued that the phrase “**suitable for human consumption**” must be removed from that section of the law.
- Lack of strict interpretation of the mandate of an ADR committee or Out-of-Court Settlement Committees. She explained that under the compounding of offences with reference to section 116 of the fisheries Act 625, it is not clear what the mandate of the Out-of-Court Settlement Committees was. She observed Out-of-Court Settlement Committee could play a more important role in prosecution if the future fisheries laws could provide clear mandate, functions and jurisdictional description for their work.

She also made the following recommendations for; prosecution, investigations and institutional Coordination:

#### *Prosecution*

She said prosecution was a process of taking legal proceedings against someone on criminal charge. She noted that the Fisheries laws appears to make fisheries infractions criminal in nature and therefore it was cardinal that in drafting a charge against someone who has committed an infraction under the law, the criminal procedure under the criminal offences Act 1960 (Act 30) sections 109 and 110 ought to be followed. **She advised that the future fisheries Act needs to be in line with the Act 30 and the criminal code.**

#### *Investigations*

DSP Tawiah explained that investigation involves the process of trying to find out or collate all the details and facts in order to discover who, what or how an incident occurred. She observed that, the definition meant that, investigation must involve a lot of time, monetary resources, equipment, societal and governmental supports. **She recommended that a future fisheries law should make provisions for monetary resources, equipment, societal and governmental support for fisheries investigations.** She said in building a docket for the Law Court, the prosecutor needs to obtain statement of complaint, statements from witnesses, observer reports, investigation reports including cautioned/charge statements of the accused and independent witnesses. She also explained that documentary and or audio visual evidence for example video recordings or footage as proof of offence were need in some cases. **She noted that inadequate evidence weakens prosecution, she therefore proposed that the future fisheries law needs to make provisions for adequate equipment to fisheries enforcement officers for evidence gathering.**

#### *Institutional Coordination*

DSP Tawiah observed that successful prosecution requires the cooperation of other institutions, including Judiciary, Fisheries Commission, fishers and relevant institutions. She explained there were challenges and gaps in the institutional cooperation. She noted that the weak cooperation was affecting the work of the prosecutors in dealing with fisheries infractions. She also explained that some judges were not abreast with the fisheries laws and this was affecting prosecution of fisheries offences. She recommended that periodic orientation training programmes on fisheries laws could be organized for judges to promote effective prosecution of cases.

***DSP Tawiah also suggested the establishment of specialized Law Courts for prosecuting cases relating to fisheries and the need for the Court system to take a critical look at Alternative Dispute Resolution (ADR) which was not recognised in the law fisheries Act 625 but has constantly been used by the Courts to avoid delays in prosecution of cases.***

#### *Conclusion*

***DSP Tawiah concluded that for effective prosecution of fisheries offences, there was the need for effective institutional collaboration, effective investigation and docket building as well as structured fisheries laws.***

#### *Recommendations*

She also recommended the following;

- The future fisheries laws need to have provisions for clear-cut punishment that will be deterrent enough for certain offences including Light fishing, fishing with explosives and chemicals.
- There should be no dichotomy with respect to the offences per the act and the regulation.
- There should be clear meaning of some offences that create confusion in the minds of stakeholders, especially dumping of fish, or discard of Fish, etc.
- The drafters of the bill should include an ADR body /Out-of-Court settlement committee and its specific roles, mandated, functions, etc.



**Figure 5. DSP Sandra Tawiah Akorsah making her presentation on gaps in the Fisheries prosecution and what the new law should be addressing.**

### **2.2.6 Remarks from Co-Chair**

Nana Akosua Gyamfiaba II (Queen Mother of Nyankrom) was the co-chair for the opening session and in her remarks. She made reference to all the speeches made by the dignitaries and implored participants to take them serious in order to own the future fisheries laws which will be developed and enacted to address problems associated with the fisheries industry.

She praised DSP Tawiah for her presentation and urged stakeholders to take note of her recommendations. Nana Gyamfiaba II also encouraged participants to contribute actively in the syndicate groups and to ensure that their issues are incorporated in the drafting instructions and the future fisheries laws. **She also praised the organizers for the well-organized workshop and stressed the need for the future fisheries law to incorporate the role of traditional leaders.**



**Figure 6. A picture with Nana Akosua Gyamfiaba II, Queen Mother, Nyankrom Shama, giving her remarks.**

### **SECTION 3: SYNDICATE SESSION DISCUSSIONS**

The syndicate sessions were used to provide small group participatory learning and sharing platforms at the workshop. Participants joined syndicate groups of their choice depending on interests and levels of expertise.

Prior to the grouping, Mr. Kyei Yamoah took participants through the workshop agenda and the content of each syndicate session. This provided the platform for participants to understand nature of the syndicate session and what was expected of them.



**Figure 7. A Picture of Mr. Kwadwo Kyei Yamoah, FoN Program Manager giving participants details and guidelines of the syndicate session.**

In all, participants reviewed separate parts of the drafting instructions over a period of two days with intensive discussions.

The various parts discussed on the drafting instructions for the workshop day 1 and 2 are listed below.

#### **WORKSHOP DAY 1:**

- PART ONE & TWO (Objectives of the Bill)
- PART THREE (Fisheries Management and Development).
- PART FOUR (Fishing and Related activities in the fishery waters)
- PART FIVE (Fishing and Related Activities Beyond the Fishery Waters)

#### **WORKSHOP DAY 2:**

- PART EIGHT (Monitoring Control and Surveillance and Enforcement).
- PART NINE (prohibition, penalties and offences)
- PART TEN (jurisdiction, evidence and presumptions)

- PART ELEVEN (MISCELLANEOUS) (General Regulations, Savings, Repeal, Transitional Provisions).

### 3.1 Syndicate Group 1

The syndicate group 1 was facilitated by Mr. Eric Mawuko Atsiatorme, the group discussed part one and two of the drafting instructions which had the following contents:

**Part One:** The following content of part one of the drafting instructions were discussed;

- Objectives of the Bill, proposed Role of the Minister, Commission, Chief Executive (Director).
- Governing Body and proposed members of the Fisheries Commission Board.
- Functions and mandate of Fisheries Settlement Committees, Fisheries Licenses Evaluation Committee.
- Money for the Commission (functions and objective of the Fisheries Development Fund).

**Part Two:** The content of part two that was discussed included the following:

- Fisheries Commission, their Role, Mandate, etc.
- Functions of the Fisheries Commission.



Figure 8. A picture of participants in the Syndicate group 1

### 3.2 Syndicate Group 2

The syndicate group 2 was facilitated by; Mr. Kwame Mensah, the coordinator of the Far Ban Bo project. The group discussed part three of the drafting instructions with the following content:

**PART THREE** (Fisheries Management and Development).

- Fisheries Management Plans.



- Legal effects of Fisheries.
- Fisheries Treaties and Commercial Access Agreements.
- Implementation of International Obligations.
- Regulations with regard to fisheries Conservation, Management and Development.

#### Regulations

- Protection of endangered Species
- Restrictions of fishing gear
- Seasonal restrictions and prohibition for Areas, Quotas, etc
- Measures to Prevent, Deter, and Eliminate IUU Fishing.
- Specific Activities that Constitute IUU and Prohibition in respect of IUU fishing, Deterrence sanctions for IUU.



**Figure 9. A picture of participants in the Syndicate Group 2**

### 3.3 Syndicate Group 3

The Syndicate Group 3 was facilitated by Mr. Theophilus Boachie-Yiadom, from FoN, the group discussed part four and five of the drafting instructions as follow;

**PART FOUR & FIVE** (Fishing and Related activities in the fishery waters and Fishing and Related Activities Beyond the Fishery Waters)

- License Authorization Required.
- License for Ghanaian Fishing vessel.
- Foreign Fishing vessel.

Regulations.

- Permits, registration of vessels
- Role of district Assemblies in Management of Artisanal fisheries.
- Renewal, validity, suspension, cancellation of permit or license.



Figure 10. A picture of participants in the Syndicate Group 3

### 3.4 Plenary Session 1

The plenary sessions were used to discuss the output from each of the syndicate group works. The plenary session had two (2) main parts. Part 1 was presentations of the syndicate group works where participants of the various syndicate sessions shared the key output of the group work. This provided the platform for other syndicate group members to learn what was discussed in the other groups.

The second part of the plenary session was used to collate additional inputs to the group works, at this point participants from the other syndicate groups were provided the opportunity to make inputs to the other presentations.

The plenary session 1 was chaired by the Dusifiaga of Anlo State, Torgbui Gbordzor III of the Volta region House of Chiefs. He was supported by the following Traditional Leaders from the Volta region House of Chiefs; Torgbui Zewu IV, Torgbui Sapey Agbo V and Mama Ayaba II.

Mr. Scott Apawugya, the Greater Accra Regional Director of Fisheries Moderated the plenary session 1.



**Figure 11. Torgbui Gbordzor III, Dusifiaga of Anlo State making a statement as the chair of the first plenary session**

## **SECTION 4: PRESENTATION ON IUU ON WORKSHOP DAY 2**

A power-point presentation on Illegal, Unregulated and Unreported (IUU) fishing was made on day 2 of the workshop to prepare participants for syndicate session 2. Mr. Kwame Mensah of Care and the Coordinator of the Far Ban Bo Project, gave the presentation on the IUU. In the presentation, he explained that IUU fishing continue to be a major problem in the West African Region where vessels from other countries or regions conduct illegal fishing activities because of weak monitoring. He noted that IUU fishing in Ghana's EEZ by foreign vessels and domestic IUU fishing by Ghanaian fishers are all major concerns. He explained that Both smallholder Ghanaian fishers and industrial fishing companies are involved in IUU fishing activities: such as transshipment, fishing without licence, tampering of vessels monitoring systems, use of under-size mesh net sizes, use of explosives, chemicals, light fishing and many more.

He concluded that IUU poses major threat to the sustainability of the fishery sector in Ghana. He explained that if IUU is not addresses it would contribute to the depletion of marine fish stocks and lead to ecosystem collapse which will result in livelihood deprivation for the communities who depend on the fishery.

He encouraged participants to make specific inputs on IUU for the drafting instruction so that the future fisheries law could deal with the IUU menace.



**Figure 12. A picture with Mr. Eric Kwame Mensah giving the presentation on IUU fishing**

### **4.1 Syndicate Session 2 On Workshop Day 2**

On day 2, participants were grouped into 3 Syndicate groups for the syndicate session 2 as follows:

#### **Day 2: Syndicate Group 1**

This syndicate session was facilitated by Mr. Theophilus Boachie-Yiadom of FoN, and the group discussed part nine of the drafting instructions as follows;

**PART NINE:** (Prohibition, Penalties and Offences)

- Prohibition and Civil Violations.
- Civil Penalties.
- Assessment of Civil Penalties.
- Criminal Penalties.

**Day 2: Syndicate Group 2**

The syndicate group 2 on day 2 was facilitated by Mr. Kwame Mensah of Care, the group discussed Part eight of the drafting instructions which had the following content.

**PART EIGHT** (Monitoring Control and Surveillance and Enforcement).

- Monitoring Control and Surveillance and Enforcement (MCS) Systems.
- Authorized officers.
- Power of entry, and Search.
- Powers of Arrest.
- Powers of Seizure,
- Observers
- Non Liability for Officers.

**Syndicate Group 3**

The syndicate group 3 on day 2 was facilitated by Mr. Eric Mawuko Atsiatorne of FoN. The group discussed part ten and eleven of the drafting instructions with the following content:

**PART TEN:** (Jurisdiction, Evidence and Presumptions)

- Jurisdiction,
- Evidences
- Presumptions

**PART ELEVEN:** (Miscellaneous)

- General Regulations
- Savings, Repeal, Transitional Provisions.

**Regulations:** Under these parts the proposed regulations were in respect of Jurisdiction, Evidence and Presumptions.

**4.2 Plenary Session 2 On Day 2**

The plenary session 2, discussed the day 2 syndicate group work in the plenary. Presentations of the syndicate group works were made and open forum was adopted to collate participants' inputs to the group work presentations.

The following are pictures of the presentations and discussions sessions on day 2.



**Figure 13. A picture with Mr. Eric Mawuko Atsiatorme facilitating the syndicate group 3 discussions.**



**Figure 14. A picture with Naana Dumaaley I, Paramount Queen Mother of Ada translating Mama Ayaba's estuary definition in Ada to other participants at the workshop.**



**Figure 15. A picture with Mrs. Emelia Abeka-Edu, The National Vice President of NAFPTA making a suggesting that Universities should task their student to develop smart test tool kit for detecting bad fish as part of the student's project work.**

## **SECTION 5: PRESENTATIONS OF FINAL INPUTS TO THE DRAFTING INSTRUCTIONS**

The summary input to the drafting instructions was presented on the third of the workshop. all the groups presented their final input for the drafting instructions. Other comments, observations and inputs from participants were also collated. Below are some pictures of the summary inputs presented.



**Figure 16. A picture with Nenyin Ghartey V, Paramount Chief of Effutu Traditional Area giving a summary presentation on review of parts one, two, ten and eleven of the new drafting instructions of the fisheries and aquaculture bill.**



**Figure 17. A picture with ASP. Richard Odartey and DSP Sandra Akorsah Tawiah doing a summary presentation on part three, five and nine of the draft instructions of the fisheries and aquaculture bill**



## SECTION 6: SUMMARY OF INPUT TO THE DRAFTING INSTRUCTIONS

The summary of input for the drafting instructions as collated from the workshop are presented in table 1 below:

**Table 1. Summary of the input on the drafting Instructions.**

PART	PROVISION	INPUTS; SUGGESTIONS AND RECOMMENDATIONS
PART ONE  Governing Body Statutory committees	The governing body of the Commission is a Board of Commissioners	<ul style="list-style-type: none"> <li>Fisher folk's representation on the Fisheries Commission Board should be increased from one (1) to two (2) members. (<b>Reason:</b> to increase representation of Artisanal fishers, for a fair representation for both Inland/Aquaculture and Marine Captured fisheries. So one (1) representative from inland and another representative from Marine was strongly recommended).</li> <li>Include representative of women fishers on the Fisheries Commission Board. At least one women fish monger/processor representative should be on the Board. (<b>Reason:</b> Inclusion of a women representative will promote gender fairness and encourage fisheries policy to response to women issues in the fisheries sector.)</li> <li>Include at least one Traditional leaders' representative on the board. (<b>Reason:</b> Traditional leaders play important role in fisheries governance therefore the law should recognize and include traditional leaders, especially from a major fishing community and with requisite knowledge of the fisheries sector).</li> <li>Remove institutions representatives on the board such as the Ghana Irrigation Development Authority, Water Research Institute, etc. (<b>Reason:</b> to accommodate the new additions to keep number of board members till at 11 as required.) These institutions could rather be adhoc members who could be called as and when needed.</li> </ul>
	Statutory Committees	<ul style="list-style-type: none"> <li>Include Out-of-Court Settlement committee under statutory Committees for a future law (<b>Reason:</b> Fisheries Out-of-Court Settlement Committee plays very important role for fisheries prosecution. so it needs to be included under the Statutory Committee.)</li> </ul>
PART TWO	Fisheries Commission, Functions of the Commission, etc	<ul style="list-style-type: none"> <li>Define the Composition of Fisheries Commission. (<b>Reason:</b> to clarify whether the Board and the existing Directorate constitute the Commission and what their various roles are?).</li> <li>Include the following to the functions of the Commission; a) Ensure Transparency and Accountability b) Ensure effective communication to fisheries stakeholders.</li> <li>(<b>Reason:</b> Transparency and Accountability as well as weak Communication has been an issue in the sector and this is not seen as a main responsibility, therefore there is the need to ensure effective communication to contribute to behavioral changes as a core function).</li> </ul>

PART	PROVISION	INPUTS; SUGGESTIONS AND RECOMMENDATIONS
PART THREE  FISHERIES MANAGEMENT AND DEVELOPMENT	Fisheries Management Plan	<ul style="list-style-type: none"> <li>• Define categories of Management plan to include, species management plan, national, local level plans, etc. (<b>Reason:</b> <i>to ensure clarity and levels of plans for practicality, etc</i>).</li> <li>• Include provision for development of community-based fisheries management plans with local fisheries Co-Management Committees.</li> <li>• Incorporate Customary Laws and best traditional management practices in local management plans.</li> <li>• Include definition of IUU in the main Act and not in the regulation or an Amended Act. (<b>Reason:</b> <i>Development of regulations if delayed will create problems for the implementation of the Laws on IUU</i>).</li> </ul>
PART FOUR & FIVE	Fishing and Related Activities Beyond the Fishery Waters Regulations.	<ul style="list-style-type: none"> <li>• Define Maritime zone in consonance with the constitution of the Republic</li> <li>• Defined Vessel categorization to clarify the vessels types. (<b>Reason:</b> <i>Need to take into consideration the sizes of vessels, be they Ghanaian or Foreign Flagged</i>).</li> <li>○ Define fines in Penalty units for consistency, prescription of penalties: <ul style="list-style-type: none"> <li>• Clearly indicate fines in penalty units</li> <li>• (Indicate Penalty units) (pay cedi equivalent of the US dollar amount). Adopt penalties in Act 880, however it should be categorized by sizes of vessels. Need to also prescribe penalties for each category of vessel)</li> <li>• Issues relating to the licensing of canoes in Act 625 should be incorporated into the drafting Instructions for clarifications on licensing.</li> </ul> </li> </ul>
PART EIGHT	Monitoring, Control and Surveillance and Enforcement	<ul style="list-style-type: none"> <li>• Development of an MCS system should not only rely on cost but also an efficient, intelligence and technological system</li> <li>• Authorized officer should not be limited to only public officers but also Non- public officer.</li> <li>• Community based organizations should be part of the MCS at the various levels (E.g. The Chief Fishermen must be a responsible Officer as part of the Management committee).</li> <li>• A representative from GNCFC/ Fishermen, women representative and local authorities as part of the authorized officers.</li> <li>• Power of entry and search</li> <li>• Search without warrant must be led by a senior officer not below the rank of an ASP.</li> <li>• Authorized officer under the MCS should not be limited to only public officers but also could include non- public officer.</li> <li>• Community based organizations could also be considered as MCS groups at the various levels (E.g. The Chief Fishermen could be a responsible Officer as part of the Management committee). These groups could assist in evidence gathering and reporting of IUU cases</li> </ul>

PART	PROVISION	INPUTS; SUGGESTIONS AND RECOMMENDATIONS
		<ul style="list-style-type: none"> <li>• A representative from GNCFC/ Fishermen, women representative and local authorities could also be designated as authorized officers for MCS at the community level and assigned to report illegal fishing activities.</li> </ul>
PART NINE	Civil Violations, Prohibitions, Penalties And Offences	<ul style="list-style-type: none"> <li>• Specify the Committee responsible to prosecute Civil Violations</li> <li>• <b>(Reason:</b> <i>The committee responsible for handling Civil Violations need to be clearly defined and their terms of reference indicated to avoid misuse of power).</i></li> <li>• Define the levels of Sanctions. <b>(Reason:</b> <i>Sanctions should be differentiated with regards extent of infraction. The drafting instructions needs to specify which infractions/breaches qualify for suspension, cancellation of licenses, permits and authorizations)</i></li> </ul>
		<p><b>Assessment of civil penalties</b></p> <ul style="list-style-type: none"> <li>• Define the mode and form of notice to the violator <b>(Reason:</b> <i>The form in which notice is given to the violator should be clearly stated).</i> <b>Recommendation:</b> <i>The notice should be served in written form and violator given 14 days to respond Whatever Regulations made pursuant to this act must consider provision for redress, in the case where the violator is aggrieved or the committee acts arbitrary with respect to their powers. Also additional regulations made in pursuant to this act must consider provision for redress, in the case where the violator is aggrieved or the committee acts arbitrary with respect to their powers )</i></li> </ul>
	Criminal Penalties	<ul style="list-style-type: none"> <li>• Define the power mandating an authorized officer to conduct Search. <b>(Reason:</b> <i>clear reference to a specific mandate is required to support locus for evidence gathering).</i> <i>The provisions in the following laws could be considered as a guide:</i> <ul style="list-style-type: none"> <li>✓ Section 46 of ACT 30/60</li> <li>✓ ACT 267 of 2004. Ghana Maritime Security Act, section 66</li> <li>✓ Section 88 of ACT 30/60</li> <li>✓ Section 94 of ACT 30/60</li> <li>✓ UN Charter on Migrant Smuggling</li> </ul> </li> </ul>
PART TEN	Jurisdiction	<ul style="list-style-type: none"> <li>• Specify jurisdiction if it involves an infraction by artisanal fisherman, the circuit courts should be cloth to hear such related matters.</li> </ul>
	Evidence	<ul style="list-style-type: none"> <li>• Specify the time line for gazetting of designated machines for evidence gathering. <b>(Reason:</b> <i>there is the need to ensure that such machinery is available early enough for the implementation of the law when passed. e.g. should be procured within 3 months of the passage of the law).</i></li> <li>• Make provision to secure the specific photographic equipment for evidence gathering. <b>(Reason:</b> <i>the</i></li> </ul>

PART	PROVISION	INPUTS; SUGGESTIONS AND RECOMMENDATIONS
		<p><i>photographic evidence described in the drafting instructions require specificity therefore not any camera could take such photos.)</i></p> <ul style="list-style-type: none"> <li>• Provide adequate training on the photographic evidence (<b>Reason:</b> <i>there is need to have photos superimposed with time, GPS location, date, etc. probably too technical.</i>)</li> </ul>
	Presumptions	<ul style="list-style-type: none"> <li>• Ensure that the Minister consult the Commission and the Council/Board as well as consult fisheries stakeholders for any additional regulations to support the future Act. (<b>Reason :</b><i>discretionary powers needs to be regulated and future regulations needs to be comprehensive and therefore the need for adequate input.</i>)</li> </ul>
<b>PART ELEVEN</b>	Interpretation s and definitions	<ul style="list-style-type: none"> <li>• Define a Canoe: (<b>Reason:</b> <i>Artisanal canoes needs to be defined especially the size, length and capacity of the canoe. To provide clear distinction to other class of vessels).</i></li> <li>• Define an Estuary: (<b>Reason:</b> <i>The boundary of an estuary, especially how far into the marine space could be classified as estuary for no fishing activity, the eastward and westward boundaries need to be defined to provide clarify for compliance and enforcement).</i></li> <li>• Define Fishery: (<b>Reason:</b> <i>Definition of fisheries for the purpose of the law is important to know what marine species are classified as fishery under the law).</i></li> <li>• Define Local Industrial Vessels: (<b>Reason:</b> <i>the size, capacity, endurance, etc for a local industrial vessel needs to be defined).</i></li> <li>• Define Semi Industrial Vessels: (<b>Reason:</b> <i>the size, capacity, endurance, etc for a Semi industrial vessel needs to be defined).</i></li> <li>• Define Meaning of Reasonable Grounds: (<b>Reason:</b> <i>the phrase reasonable grounds need to be explained or clarified to ensure that one is clear of what it means to enhance evidence gathering).</i></li> </ul>

## **SECTION 7: ADDITIONAL INPUT ON OFFSHORE OIL AND GAS ACTIVITIES FOR THE FUTURE FISHERIES LAW.**

### **PRESENTATION ON OIL AND GAS INSTALLATION AND WHAT THE NEW FISHERIES LAW SHOULD BE ADDRESSING; BY MR. AUGUSTINE NWOLEY.**

Mr. Nwoley in his presentation stated that the increasing offshore oil and gas exploration and production activities has implications for the fishing industry. He explained that the safety zone around offshore oil & Gas installations, seismic exploration activities, ballast water introduction and other activities by the Offshore oil and gas operator could have potential impact of the marine fishery and was therefore the need for the future fisheries law to provide for the following concerns;

### **7.1 Fishing Around Oil and Gas Installation (Offshore, Near Shore)**

Mr. Nwoley noted that fishing around oil and gas installations poses great danger to the health and safety of fishermen and therefore the new fisheries law should include sanctions for incursions into the exclusive and advisory zones.

### **7.2 Compensation for damaged fishing items/ gears by oil vessels**

He said since Ghana started commercial production of oil from the Jubilee Fields, there has been several complaints regarding destruction of fishing gears by oil and gas supply vessels without adequate or any compensation. He therefore suggested, Compensations for fishermen who lose their property to accidental damages of fishing gear by oil vessels should be specified in the new fisheries law.

### **7.3 Oil spill and the impacts of marine and coastal ecosystems.**

Mr. Nwoley further raised concern about oil spills that sometimes go un-noticed and strongly recommended that the fisheries law addresses this by adopting the polluter pay principle into the relevant sections of the fisheries law or be made as part of the fisheries regulations.

### **7.4 Provisions in the following documents should be in line with the new fisheries law. (Fisheries Impact Assessment –FIA)**

He said provisions in the Safe Sea Access Framework (Draft), National Oil Spill Contingency Plan, Petroleum Exploration and Production Law, and the Petroleum Management Act must align with the new fisheries law to avoid loop holes and inconsistencies. He concluded his presentation with a call on relevant agencies to as a matter of urgency, set-up a publicized call center for citizens to communicate with relevant authorities in case of an oil spill



Figure 18. A picture of Mr. Augustine Nwoley, giving a presentation on how oil and gas can co-exist with fisheries

## **SECTION 8: CLOSING COMMENTS FROM DONOR PARTNERS AND SOME PARTICIPANTS**

After the summary presentations and discussions, stakeholders from GNCFC, NAFPTA, GNICA, and Development Partners shared their observations about the workshop and gave the following final comments.

### **8.1 Comments by Nana Jojo Solomon (Representative of Gncfc)**

Nana Solomon thanked the organizers for such an important workshop and for creating the platform for fishermen to contribute to the drafting instructions for the future fisheries and aquaculture bill. He explained that fisher folks have serious concerns with some of the provisions in the Act 625 and the other fisheries regulations and praised MOFAD for the review. He stressed that artisanal fisher folks were one of the most important stakeholders in the fisheries sector and therefore their input for the future law was very relevant. He encouraged the chief fishermen to communicate the processes of the fisheries legislation review to the members at the landing sites.

He also praised the organizers and recommended that additional consultations be organized to collate more inputs from local fishermen at the various regional and community level. He pledged the support of the GNCFC for the process and noted that the council was ready to partner with MOFAD and other institutions to organize similar consultations.



**Figure 19. A picture with Nana Jojo Solomon, representative of Ghana National Canoe Fishermen Council urging organizers to conduct proceedings in the local language the next time round for easy understanding by fishermen**

## **8.2 Comments By Mrs. Emelia Abeka-Edu, Vice President Of National Fish Traders And Processors Association (Nafpta)**

Mrs. Abeka-Edu thanked the workshop organizers for the platform for stakeholders particularly women to dialogue and submit inputs for the drafting instructions for the future fisheries law.

She appealed to MOFAD, the Development Partners and stakeholders to organize regional and district wide forums to collate women issues for the legislation review. She explained that though women played important role in fisheries they have not been given the commensurate recognition.

Mrs. Abeka-Edu strongly recommended that there was the urgent need for a representative of women fish processors/ monger on the Fisheries Commission Board. She further urged the Fisheries Commission to procure fish detector tool kit for fish processors for easy identification of bad fish.



**Figure 20. Mrs. Emelia Abeka-Edu NAFPTA Vice President urging the Fisheries Commission to make available bad fish detector too kits to processors for easy identification of bad fish.**

### **8.3 Comments by Sampson Mahu, Chairman of National Inland Canoe Fishermen Council**

Mr. Mahu noted that the drafting instructions for the future fisheries and aquaculture bill was silent on inland fisheries sector and expressed the hope that the drafters of the fisheries and aquaculture bill will solicit inputs from the inland fisheries stakeholders. He stressed that there was need for MOFAD to organize adequate stakeholder consultations for the inland zone and aquaculture areas.

He stated that, many fisheries infractions were being committed by some marine fishermen in inland waters. He cited the casting of drag nets in some of the estuaries.

Mr. Mahu, further noted that the harvesting of mangroves in the Volta lake was reducing breeding grounds for fish and asked government to take urgent measures to stop the practice





**Figure 21. A picture with Mr. Sampson Mahu, the chairman of Inland Fisheries Association, expressing concern about the silence of the draft bill on inland fisheries.**

#### **8.4 Comments By Mr. S. Mathiason, World Bank-Africa.**

Mr. Mathiason thanked the organizers for putting together a successful workshop. He praised stakeholders for demonstrating great enthusiasm in reviewing the drafting instructions for the future fisheries and aquaculture bill. He noted that the fisheries legislation review was an obvious opportunity to improve the fisheries law. He also added that to process to have stakeholders input to the review of the law was laudable and would promote ownership of the future law.



**Figure 22. A picture with Mr. S. Mathiason form the World Bank Ghana Office delivering a statement at the workshop**

### **8.5 Comments By Mr. Scott Apawugya, Greater Accra Region Fisheries Director**

Mr. Apawugya, in his statement indicated that the fisheries legislation review was an important process to develop a comprehensive fisheries laws which would respond to global trends.

He stressed the need for stakeholders to participate in the process to ensure that their inputs are captured for the drafting of the new fisheries law. He noted that a good fisheries law would support and promote sustainable fisheries and ensure livelihood and food security for many Ghanaians.

He urged participants to inform their association and community members so that they can also add their inputs before the final draft is sent to Attorney General Department.

He expressed his appreciation for the workshop and applauded the organizers for the successful facilitation and innovative participation session of the workshop. He also praised the participants for the active participation in the 3days workshop and noted that there was the need for similar workshops to inform and collate more inputs. He encouraged stakeholders to submit any additional inputs to the Chief Director of MOFAD before the end of the stakeholder consultation period.



**Figure 23. A picture with Mr. Scott Apawugya, Greater Accra Fisheries Commission Director giving his closing remarks.**

### **8.6 Comments by Chief Supt. Antwi Ababio, Ghana Marine Police Unit**

Chief Superintendent. Ababio explained that the future fisheries Law will be meaningless if law enforcers (Marine Police/ FEU) are not adequately abreast with the law. He explained that, globally, enforcement and deterrence are important components for ensuring the implementation of the law.

He noted that the fisheries enforcement agencies in Ghana are constrained with inadequate personnel, logistics and inadequate budgetary allocation. He explained that enforcement of fisheries was very unique and involved special machinery and tactics. He explained that fisheries managers could support fisheries enforcement with percentage of the fines paid by arrested offenders. He therefore, proposed that stakeholders should insist that the future fisheries law should set aside percentage of the fines to support Fisheries Enforcement.

He concluded his statement by asking stakeholders to support and collaborate with fisher enforcement agencies for the implementation of the fisheries laws.



**Figure 24. A picture with Chief SUPT. Antwi Ababio, Deputy Director of Marine Police, delivering his closing remarks**

### **8.7 Comments by Mr. Christopher Ackon, Program Manager, Eu Delegation to Ghana**

Mr. Ackon explained that the European Union (EU) attach high importance to the fisheries sector due to the significant of the sector. He added that the EU is supporting two main projects for the fisheries sector; the Far Ban Bo Project and 'Far Duma Nkodo' Project. He noted that the two projects were working with stakeholders to contribute to the sustainable management of the fisheries sector.

He asked participants to continue the discussions with their groups, fisheries association members and other fisheries stakeholders to collate further input. To conclude his statement, he thanked all the participants for their dedication and commitment in sharing their inputs for the drafting instructions.



**Figure 25. A picture with Mr. Christopher Ackon, Program Officer and member of EU delegation in Ghana sharing his Comments at the workshop.**

## **SECTION 9: CLOSING REMARKS BY OKATEKYIE DR. AMANFI VII (OMANHENE OF ASAEBU TRADITIONAL AREA)**

Dr. Amanfi noted that the fisheries industry was very important to the resilience of Ghana's economy. He was however concerned that illegally fishing was fast becoming the norm rather than the exception and that if care was not taken, the fishery resources will be depleted within the next few years. He added that the fisheries resources have been adequately made/created but humans have destroyed these resources particularly in the marine fisheries.

He said the President of the Republic is one of the ambassadors of the Sustainable Development Goals (SDG) and therefore, stakeholders could support him and the Nation in achieving the SDG goal 14.

He further encouraged participants to continue the discussions and collate additional input from their associations and groups for the future fisheries law.

He finally thanked participants for their time and attention.



**Figure 26. Okatekyie Dr. Amanfi VI, Paramount Chief of Asaebu Traditional Area giving the closing remarks**

## **SECTION 10: CONCLUSION OF WORKSHOP**

Participants expressed strong interest and willingness to participate in the fisheries legislative review process. They explained that there was urgent need for adequate stakeholder input for the drafting instructions and also for the subsequent development of the content of the future fisheries bill.

Participant also expressed that the legislation review process presented an opportunity to address the challenges and concerns with the Act 625 and associated regulations, including;

1. Review the composition of the Fisheries Commission Board to include key stakeholders.
2. Introduce proper fisheries co- management Regime,
3. Clarify the discretionary powers of the sector Minister.
4. Clarify the role of the Commission (Board), Directorate/ Secretariat and the Ministry
5. Provide for mandatory use of sound science-based information to inform fisheries management.
6. Introduce adequate fishing gear regulations.
7. Introduce practical measure to addressing Illegal Unreported and Unregulated (IUU).
8. Institute proper measures for the management of the Fisheries Development Fund to promote greater accountability and transparency.
9. Provide adequate provisions for Fisheries Out-of-Court Settlement Committees.
10. Provide incentives for compliance including community incentives.
11. Provide adequate material, logistical and financial support for effective Fisheries Enforcement.
12. Introduce proper regulations for Marine Protected Areas and Close Season,
13. Introduce proper regulations for Fishing Quotas, etc.

14. Provide proper regulation for Fisheries Impacts Assessment (FIA) and how to address impacts of offshore oil and gas exploitation including compensation damage, oil spillages, access compensation, environmental damage cost,
15. Etc.

Participants noted that stakeholders were not adequately consulted during the development of the Fisheries Act 625, Amended Act 880 and the Regulations. They remarked that, the lack of consultations might be part of the reasons, why there are several challenges with the implementation of the fisheries laws.

They strongly recommended that MOFAD should ensure adequate stakeholder consultation for the legislative review, especially with the various fishing associations and fishing constituencies from the National through to the landing site level.