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SUSTAINABLE FISHERIES MANAGEMENT PROJECT (SFMP)

Prosecutorial Chain Workshop, Western Region, Proceedings



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THE
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ACRONYMS

CEDECOM	Central Region Development Commission
CEWEFIA	Central and Western Region Fishmongers Improvement Association
CLaT	Child Labour and Trafficking
DAA	Development Action Association
DCE	District Chief Executive
DSW	Department of Social Welfare
FtF	Feed the Future
ICFG	Integrated Coastal and Fisheries Governance Project
MCS/FEU	Monitoring, Control and Surveillance/ Fisheries Enforcement Unit
NCCE	National Commission for Civic Education
NFED	Non-Formal Education Division, Ministry of Education
FoN	Friends of the Nation
SFMP	Sustainable Fisheries Management Program
SNV	Netherlands Development Organization
USAID	United States Agency for International Development

TABLE OF CONTENTS

Acronyms.....	ii
INTRODUCTION	1
METHODOLOGY	1
DETAILED SESSION	1
Purpose of gathering	1
Overview of Sustainable Fisheries Management Project (SFMP) presented by Kyei Kwadwo Yamoah.....	2
Status of Compliance, prosecution including Arbitrations (2012 – 2015 in Retrospect) by Mr. Alex Sabah.....	3
Question (Q), Comments (C) and Responses (R).....	3
Proposals to help overcome challenges in the prosecution chain	4

LIST OF FIGURES

Figure 1 Mr. Mevuta taking participants through purpose of the workshop	1
Figure 2 Mr. Yamoah delivering an overview presentation on the SFMP	2
Figure 3 Mr. Alex Sabah, informing participants on the state of compliance and enforcement.....	3
Figure 4 Some participants adding their voices to the discussions.....	4

INTRODUCTION

As part of the Sustainable Fisheries Management Project activities, a one day workshop was organized by Friends of the Nation on the 19th of May, 2015. The workshop was attended by partners involved in adjudication of marine fisheries cases in the Western Region and was to discuss successes, challenges and identify strategies for strengthening the chain.

METHODOLOGY

The workshop used a mixture of methods including power-point presentations, experience sharing, interactive discussions, as well as question and answer segments.

DETAILED SESSION

The three hour workshop started at 2:30 pm and ended at 5:30 pm. The workshop started with an opening prayer by Mr. Daniel Awuku Nyante of the Fisheries Commission. A round of introductions followed for participants to familiarize with each other. Afterwards, participants were informed of purpose for the workshop.

Purpose of gathering

Dr. Donkris Mevuta welcomed all members to the workshop and introduced all the partners involved in the Five (5) year SFMP project, as well as the activities that will be undertaken in relation to the project. He hinted that more often than not, offenders boast of defeating the government in legal battles in relation to illegalities in the fishing industry due to insufficient legislative Instrument in addressing some of the pertinent cases. With ICFG's support in strengthening the prosecution chain in the W/R and the enhanced knowledge of relevant law enforcers resulted in more than thirty (30) fisheries cases successfully adjudicated in W/R with the rest of the nation recording lesser cases. He notified participants of the position of FoN in fisheries activities and made it emphatic that, the organisation does not stand for prosecution but rather compliance. He also mentioned the need to build synergies to help reduce, if not eradicate, irregularities in the industry.



Figure 1 Mr. Mevuta taking participants through purpose of the workshop

Overview of Sustainable Fisheries Management Project (SFMP) presented by Kyei Kwadwo Yamoah



Figure 2 Mr. Yamoah delivering an overview presentation on the SFMP

Mr. Kwadwo Kyei Yamoah gave an overview of the SFMP, and informed participants of implementing partners and main activities to be undertaken. He also highlighted the objectives of the projects as:

- To rebuild marine fisheries stock through the adoption of responsible fishing practices.
- To contribute to the Government of Ghana fisheries development objectives.
- USAID Feed the Future (FtF) Initiative.

On the geographic scope of the project, he explained that some interventions will be at the National level, while others will be at the regional and community levels. He elaborated that for the management of small pelagic stocks, the focus will be a national scale. For demersals, the focus will be on W/R, while community based plans will then be on the Pra and Ankobra estuaries.

In his presentation, he showed a graphical representation of the state of fisheries in Ghana. He indicated then that there is the need a comprehensive planning process to have increased food supply and increased profitability. (*See slides of presentation attached as Appendix 2*).

Mr. Yamoah informed that as part of the SFMP activities, FoN will be engaging a lot of grassroots stakeholders to ensure they are part of every process relevant to the project. He specified some activities to include, but not limited to:

- Legislative reforms for co-management.
- Stakeholder caucuses and hearings at some selected major landing sites (Tema, Elmina, Axim and Sekondi).
- Strengthening law enforcement.

Ending the session, he spoke briefly about the milestones and expected output of all the

activities.

Status of Compliance, prosecution including Arbitrations (2012 – 2015 in Retrospect) by Mr. Alex Sabah

Mr. Sabah enlightened participants on the state of enforcement and compliance in the region. His presentation covered the following areas:

- Importance of Fisheries
- Concept of enforcement and compliance
- Major issues in the Fisheries
- Common offenses by fleets
- Activities of the MCS/FEU
- Summary of arrests and prosecutions
- Challenges with enforcement
- Way forward



Figure 3 Mr. Alex Sabah, informing participants on the state of compliance and enforcement

Question (Q), Comments (C) and Responses (R)

Q: Michael Mensah (Fisheries Commission)

Is the Fisheries Regulation specific on quota systems?

R: No.

Q: Arafat Salifu (Fisheries Commission)

In the fisheries industry, there is a lot of political interference. Does the SFMP have components addressing such interferences? Again, during the ICFG, how were you able to minimize such interferences?

R: There were enough discussions with the top hierarchy right from the inception of the ICFG. We also ensured proper communication with all chains of command and won the commitment of all. SFMP will be learning such lessons from the ICFG.

Q: Alex Sabah (Fisheries Commission)

When the fisheries commission presented its 5-year plan and suggested a 2-day fishing holiday in the fisheries sector, the fishermen kicked against it. How are you then going to get fishermen interested in fishing holidays?

R: We are not going to suggest or impose. What we will do is to facilitate discussions amongst the fishermen to come up with proposals concerning issues like this.

C: Alex Sabah (Fisheries Commission)

I suggest that it would be good if we get the younger generation interested in managing our natural resources. This can be done if we introduce some form of curriculum in the basic schools on natural resources management.

C: C/Supt. Samuel Owusu-Berko

The legislative Instrument which gives mandate for confronting criminal activities in the fisheries industry has loophole which allow for escape when culprit who perpetrate this illegalities are arrested by the fisheries enforcement unit (FEU). In addition to this, there are sometimes issues of communication gap between arresting officers and culprits (especially the Chinese). I also believe the interest of fishermen were not considered and were also not consulted right from the beginning during development of the legislation. Therefore I advise that they are adequately consulted and engaged meaningfully in the amendment of the Fisheries Act 625 to get their inputs.



Figure 4 Some participants adding their voices to the discussions

Proposals to help overcome challenges in the prosecution chain

1. The SFMP partners and other CSOs need to “*push hard*” to engage the top hierarchy of the various institutions who have a part to play in the enforcement process to ensure effectiveness and efficiency of enforcement of the law.

2. The Fisheries Enforcement Unit needs to be supported with enough resource to boost monitoring and tracking activities. Their increased visibility on the sea and along the shores will scare a lot of potential offenders to desist from violating the laws.

3. There is the need for provision of electronic devices to the enforcement units for effective and efficient operation.

The following processes were discussed to allow for effective prosecution of fisheries violations:

At the Point of Arrest

- Agent of the arrested vessel is informed of the arrest.
- Information is sent to the fisheries commission by phone calls
- On arrival at the port, necessary documentation is completed by the arresting officer and sent to the fisheries commission.
- At the Naval base, the case is reported to the commander in charge

For Inspections

- The fisheries commission examines the catch to determine irregularities.
- In the case of irregularities, it is then reported to the police for validation.
- A report from the commanding office is then sent to the crime office.
- The crime office prepares a docket on the case and send to the State Attorney's office for prosecution.
- A date is set for legal “battle” to begin.