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# SUSTAINABLE FISHERIES MANAGEMENT PROJECT (SFMP)

## Strengthening the Prosecutorial Chain Working Meetings



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THE  
UNIVERSITY  
OF RHODE ISLAND  
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Friends of the Nation

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**Cover photo:** Pictures of some resource persons and participants making contributions at the workshop (Credit: Theophilus Boachie-Yiadom, FoN)

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## **ACRONYMS**

CJ	Chief Justice
CRC	Coastal Resources Center
FC	Fisheries Commission
FEU	Fisheries Enforcement Unit
FoN	Friends of the Nation
FSC	Fisheries Settlement Committee
FtF	Feed the Future
IUU	Illegal Unreported Unregulated
MCS	Monitoring Control Surveillance
MOFAD	Ministry of Fisheries and Aquaculture Development
MOJAG	Ministry of Justice and Attorney General
SFMP	Sustainable Fisheries Management Project
URI	University of Rhode Island
USAID	United States Agency for International Development

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## BACKGROUND

Ghana's fisheries is near-crisis, experiencing dwindling fisheries resources due to weak management systems, illegal practices/infringements and other factors. The fisheries sector is governed by; the Fisheries Act of 2002 (Act 625), Fisheries amended Act 880, the Legislative Instrument of 2010 (LI 1968) and the Fisheries Amended Regulations of 2015 (LI 2217). One of the key challenges for the sector is weak deterrence and low compliance of the laws (lack of effective prosecution, low political will, low fisheries participation and compliance, etc).

Without a doubt a fair and effective enforcement program is essential to the sustainability of the Ghana's fisheries resources. Fair enforcement will complement and promote high fisher's compliance to the fisheries laws. Those who violate fisheries laws and regulations not only harm the resources and put the economy at risk; they are unfair to the majority of resource users that do comply. Those who abide by the laws deserve to know that others would be held to the same standards and that the standards will be consistent nationwide.

***It is important to note that fisheries management measures including the implementation of the National Marine Fisheries Management Plan (NFMP 2015-2019) cannot be achieved without high compliance supported by effective deterrence (high arrests and effective prosecution).***

It is for the above reasons that the Sustainable Fisheries Management Project (SFMP) continue to provide support for series of meetings among institutions involved in the prosecutorial chain to help strengthened strategies to ensure successful prosecutions.

Against this background, Friends of the Nation under SFMP, organized a two-day fisheries prosecution workshop in Accra on August 30 and 31 2017. Before this workshop, pre-workshop agenda discussions were held with invitees. They agreed that the Fisheries Out-of-Court Settlement Procedures and Processes should be discussed to address increasing weaknesses and concerns from stakeholders.

One of the key concerns raised by stakeholders is the constitutionality of Fisheries Out-of-Court Settlement Committees established by the Fisheries committee to handle fisheries cases. The legality of the fisheries Out-of-Court Settlement Committees is being contested with concerns that its functions and operations are illegal and conflict with the laws of Ghana.

The Fisheries Commission claims that the fisheries Out-of-Court Settlement Committees are supported by the Fisheries Act of 2002, Act 625, but some concerned parties have questioned that there is no mention of Out-of-Court Settlement Committees in any sections of this Act 625.

They contend that; section 10 of Act 625 mandates the formation of rather Fisheries Settlement Committees (FSC) to hear and settle complaints from persons aggrieved in respect of matters arising from or related to the fishing industry. However, in practices, this Fisheries Settlement Committees (FSC) is in place and handles grievances of fishers, but the fisheries Out-of-Court Settlement Committees (one in Tema and the Other in Takoradi) are operating as mini Courts and are adjudicating fisheries offences (mostly Civil Matters) with the powers of the Courts.

They also contend that though the Law Courts allow out-of-court settlements as part of the legal system, this Fisheries Out-of-Court Settlement Committees operate differently, they investigate, invite the offenders, give judgement and impose fines. The fisheries Out-of-Court Settlement Committees do not send the cases to Court in the first place for the Court to decide whether an Out of Court Settlement is an option. Also the Fisheries Out-of-Court Settlement Committees do not communicate their investigations, their findings or their

operations to the Courts. Because the Fisheries Out-of-Court Settlement Committees do not report to the Court, this has resulted either in judgement default and or interferences from politicians. And this has raised great concerns of many other fisheries stakeholders, who are questioning the legality/constitutionality of the committees' imposition of fines without resorting to the courts.

It is interesting to note that, assessment of past judgments of the committees also indicate that either the fines raised by these committees are not paid by the culprits or Politicians interfere and reduce these fines without the control of the committees.

For instance, an Industrial trawler arrested for taking on board undersized fish, opted for Out-of-Court settlement leading to a fine of GHC38,799.00 plus \$250,000 (@ 3.3= 825,000.00) in 2015 to a total fined of GHC 825,000.00. However, through political interferences, the culprit rather paid an amount of only GHC 200,000.00 in total representing about 24% of the expected sum and thus constituting a loss of GHC 625,000.00 to the state.

From stakeholders' perspective, it is becoming a glaring fact that one area that poses challenges in fisheries law deterrence is the procedures of the fisheries Out-of-Court settlement processes. Even some fisheries enforcement officers have expressed concerns that such low payments demoralize them in their duties while encouraging recalcitrant fishers to continue to perpetuate illegalities in the sector knowing they will be able to disregard the Fisheries prosecution process.



## **OPENING PRESENTATIONS OF THE WORKSHOP**

The workshop provided the platform for inter-agency dialogue to outline sustainable and practical strategies to promote effective fisheries prosecution. This workshop specifically discussed the *Fisheries Out-of-Court Settlement Committee* to ascertain the legality of their procedures and process. The workshop also provided the opportunity to engage a renowned legal consultant (Dr. Atuguba), who helped to facilitate the discussions on the prosecution and procedures of the Fisheries Out-of-Court Settlement Committee to assess its legality.

Key recommendations from the workshop included the need to realign the Fisheries Out-of-Court prosecution procedures and processes to ensure that all cases are first taken to the Courts of Law to seek the Court permission for the Out-of-Court process to begin. Also it was recommended that the Fisheries Out-of-Court should present their finding and recommendations back to the Court for the Court to give the judgement.

Participants agreed that this would reduce the political interferences and contribute to effective deterrence and contribute to the adoption of responsible fishing. The resultant adoption of responsible fishing will provide enormous benefits to the thousands of fishermen who will benefit from improved deterrence and fisheries management.

With these benefits in mind, a straight-forward conclusion was reached by participants that The out of court settlement should be a referral from the court to help streamline the prosecution process, minimize political interferences and promote effective deterrence.

### **Workshop Agenda**

The total participants for the workshop were 25 persons (7 females and 18 males).

The participants included; representatives from Fisheries Commission, Fisheries Enforcement Unit, Marine Police, Ghana Air force, Ghana Navy, Attorney-General's Department, Judiciary, etc also included were Police Prosecutors and High Court Judges.

The workshop had three main sessions as follows:

Session 1: this session included the Opening statements and purpose of workshop

- Opening Remarks was made by Donkris Mevuta of FoN, who explained agenda and the purpose of the workshop.
- Presentation on SFMP project overview was made by Kyei Yamoah of FoN and he also why the support by SFMP to Prosecution institutions

Session 2: Information sharing session, this included the following presentations;

- Presentation on the challenges and lessons in fisheries enforcement by Mr. Tsibu, Head of the fisheries Enforcement Unit.
- Presentation on Evidence for Prosecuting Fisheries Infractions; Lessons and Challenge by: Mrs. Sandra Tawiah, police prosecutor, Marine Police.
- Presentation on success and challenges of fisheries prosecution in Ghana by: Mrs. Francisca Tete-Mensah, the Attorney General Dept. presenting.

Session 3: This session provided information on the legalities of the Fisheries Out-of-Court Settlement and had;

- Presentation by: Dr. Raymond Atuguba on the legalities of Fisheries Out-of-Court Settlement Committees
- This session also included open forum where participants discussed and gave recommendations on the way forward.

## Opening Remarks

Mr. Donkris Mevuta, Executive Director of Friends of the Nation welcomed participants and expressed appreciation to them for responding positively to the invitation.

He remarked that previous efforts at strengthening the Prosecutorial Chain had resulted in improved adjudication of fisheries infractions and noted the need to continue with the prosecution workshops. He mentioned that the 2016 Presidential and Parliamentary Elections had affected compliance and deterrence of fisheries regulations because few arrests were made during that period. He explained that there was need to continually discuss and resolve any concerns of weakness in the adjudication processes to ensure effective prosecution of cases. He noted that the main agenda for the workshop was centered on the Fisheries Out-of-Court Settlement Committees. He introduced Dr. Raymond Atuguba as the main facilitator for the discusses on the Fisheries Out-of-Court Settlement Committees. Donkris noted that Dr. Atuguba is a renowned legal consultant who led the Ghana's Constitutional review process. He explained that Dr. Atuguba is a senior law lecturer and was the former Secretary to the President of Ghana.

Mr. Donkris then encouraged the participants to collaborate with Dr. Atuguba for successful discussions on the Out-of-Court settlement committees.



**Figure 1. Donkris Mevuta, Executive Director of Friends of the Nation, delivering his opening remarks**

## Overview of SFMP

Kyei Kwadwo Yamoah presented an overview of the SFMP to participants. In his presentation he explained that the objectives of the SFMP is to contribute to rebuilding marine fisheries stocks and catches through adoption of responsible fishing practices. He added that the SFMP also contributes to the Government of Ghana's fisheries development objectives and USAID's Feed the Future (FtF) initiative. He mentioned that there are 8 partners implementing the project and it's being led by the University of Rhode Island's (URI) Coastal Resources Center (CRC). He noted that the project is sponsored by the United

States Agency for International Development (USAID). He explained the various components and expected project results.

He concluded his presentation and explained that SFMP was providing support for series of meetings among institutions involved in the prosecutorial chain in an attempt to help strengthened strategies to ensure successful fisheries prosecution and deterrence.



**Figure 2. Kyei Kwadwo Yamoah, Program Manager of FoN giving an overview of SFMP**

## PRESENTATION 1: CHALLENGES AND LESSONS IN FISHERIES ENFORCEMENT



**Figure 3. Mr. Godfrey Tsibu, presenting on challenges and lessons in fisheries enforcement**

This topic was presented by Mr. Godfrey Baidoo-Tsibu (pictured above), Head of Monitoring, Control and Surveillance (MCS) division of the Fisheries Commission (FC). In his presentation, he explained the following: That the Fisheries Enforcement Unit (FEU) was established in 2013, as prescribed by Section 94 of Fisheries Act 625. The FEU has the mandate to conduct fisheries monitoring, control, surveillance and enforcement activities in all Ghanaian fishery waters, and also enforce the Fisheries Act and Regulation as well as any other fisheries related laws. He explained that the structure of the FEU had inter-agency representative; comprising the FC, Ministry of Fisheries and Aquaculture Development (MOFAD), Ghana Navy and Ghana Air Force (Ministry of Defence), Marine Police and BNI (Ministry of Interior), Attorney General's Department (Ministry of Justice and Attorney General - MOJAG).

He enlisted the key mandated of the FEU as the following.

- Sea Patrols on sea and inland waters.
- Land Patrols in fishing communities.
- Conduct inspection for canoes and fishing vessels.
- Observer Missions on-board fishing vessels to monitor their activities.
- Community sensitization.
- Arrests and prosecution of fisheries offenders.
- Seizure and disposal of illegal fishing gear.
- Pilot Fisheries Watch Volunteers with fisher folks.

### **Challenges of Enforcement**

Mr. Tsibu noted that in carrying out its mandate, the FEU faces a lot of challenges, some he explained as hostilities from citizens towards the FEU officers. He cited an examples of damage done to some vehicles of the FEU and assaults to FEU personnel during patrols. He noted that there were wide spread illegal fishing and that the FEU were faced with enormous



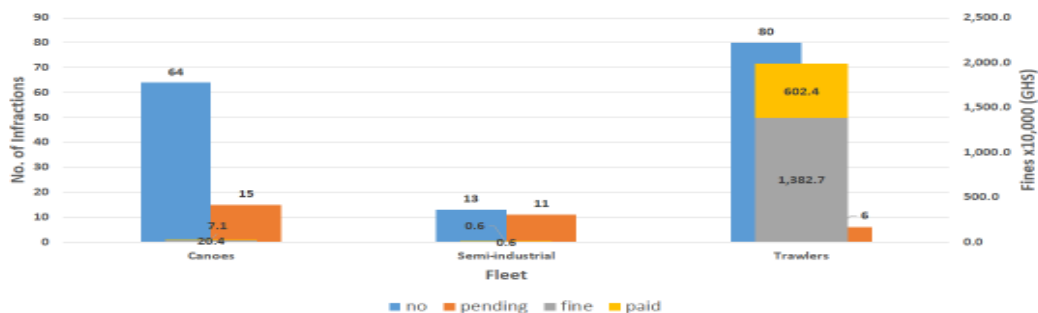
task to address them. He mentioned the following as some of the factors contributing to the wide spread illegal fishing.

- Poverty and inadequate socio-economic opportunities.
- Poor appreciation of fisheries management and laws.
- Uncontrolled access to fishing grounds and landing beaches.
- Delayed active implementation of fisheries enforcement (2013).
- Inadequate personnel in fisheries education and law enforcement.
- Lack of coordination in enforcement of fisheries laws.
- Weak prosecution of fisheries Cases.

Nonetheless, Mr. Tsibu hinted that there has been some successful arrests and prosecution, which he presented data for the years 2014 to 2017 as indicated in Figure 4.

Mr. Tsibu explained that from the data there has been more fines and payments by trawlers than any other type of fishing fleets. He added however, that 58% of the fines over the period are yet to be paid, with only 5,887,168 representing about 42% had been paid. He explained that political interference with the payment of fines was one of the main challenge. He noted that the sector Minister allowing payment of just a fraction of fines sanctioned to offenders after Out-of-Court settlement committees issue the fines.

### Arrests and prosecutions 2014-17



**Figure 4. A graph showing arrests and prosecution data for 2014-2017**

Mr. Tsibu recommended the implementation of the following to address the challenges:

- Implement fully the Marine Fisheries Management Plan (2015-2019), specifically the reduction of effort including: closed seasons; reduction in fishing days; marine protected areas, Moratorium for Canoes, etc.
- Enhance fisheries enforcement operations by the FEU.
- Intensify education and sensitization of fishers on fisheries laws.
- Increase participation of fishing communities in fisheries management and enforcement through training and mentoring.
- Enhance political will to enforce fisheries legislation.
- Provide adequate budgetary support for fisheries enforcement activities.
- Enhance interagency and regional cooperation.

## **Comments, Recommendations and Questions for Clarity**

The following were some questions, comments and answers from the discussions of the above presentation:

### Question:

Were some arrests effected with regards to the naval officers who were attacked by some culprits?

### Response:

The case was considered a mob action, hence no arrest was effected.

### Recommendation:

There should be increased sensitization to inform artisanal fishers that trawlers are being dealt with even more than the canoe fishers. This recommendation was made against the backdrop that most canoe fishers perceive that, trawlers are being allowed to carry out illegalities with impunity without any check, while disturbing the canoe fishers with unnecessary arrests.

### Recommendation:

There is the need to be more concerned about the minister's interference which led to the reduction of fines. The out-of-court settlement should be linked to in-court, to give it a backing force. This will help to prevent the political interferences and help address the weaknesses identified.

## **PRESENTATION 2: EVIDENCE FOR PROSECUTING FISHERIES INFRACTIONS; LESSONS AND CHALLENGES**

Evidence for prosecuting fisheries infractions was presented by DSP. Sandra Akossah A. Tawiah of the Marine Unit of the Ghana Police Service. In her presentation, she explained that evidence could be defined as any material that is presented as proof to a claim. She explained that examples of evidence could include audiovisuals, oral evidence by witnesses and documents (paper). She noted that for successful fisheries prosecution the appropriate evidence is needed to prove beyond doubt that there has been an infraction and that the accused is guilty of an offence.

She provided information about the Fisheries Out-of-Court settlement committee and explained that the committee sat 5 times in 2014 and heard 13 cases. In 2015, 8 sittings were done by the committee with 23 hearings, while in 2016 there were 8 sittings with 11 hearings. She noted that in 2017 there has been 5 sittings of the committee with 4 hearings.



**Figure 5. DSP. Sandra Akosa Tawiah presenting on evidence for prosecuting fisheries infractions**

She explained that during the sittings and hearings of the committee, the following evidence are required:

- Report(s) of the offence and or Statement(s) of claim which includes the following:
  - Observer written statement.
  - Statement from the arresting officer(s).
  - The officer or inspector's statement.
  - Quayside inspection report or document.
  - Witness statement.
  - Complaints statement.

- Quayside inspection report document
- Suspect investigation caution statement.
- Suspect charge statement

And the specific evidence in the report(s) and Statements should include

- Description of the type of offence.
- Name of vessel or canoe involved.
- Date.
- Time.
- Position.
- Audio visual evidence if any.
- The gear or sample of the gear (Net if undersize net), picture of fish could be used if undersize fish were caught.
- For light fishing the following are required; Generator(s), Light bulbs (500 Watt and above), Electrical wires, Switch board, etc.
- For fishing below 30-meter depth, the evidences needed include: Name of vessel, Date & time, Latitude, Longitude, Speed of vessel during the action.

She indicated that some of the following documents should be signed by the offender or the captain in the case of vessels;

- Quayside report should be signed by the captain.
- Captains investigation caution statement signed by the captain.
- Observer's report or observer report should be signed by the captain.

She explained that where the evidence gathered is overwhelming to be able to sustain a charge then there is the assurance that prosecution would be successful. However, where there is difficulty in gathering evidence to sustain a charge then prosecution becomes problematic.

She recommended that the Fisheries Commission must ensure that fisheries observers submit their report after every observer trip within 2 days. The Commission must also ensure that vessels who have committed infractions are prevented to go fishing until the case has been heard.

She noted that arresting officer(s) and observer(s) who present cases must also appear to give evidence at the hearing of the Committee when necessary.

She explained that the major problem was inadequate evidence and arresting officers of observers failing to appear to give evidence a statement to support prosecution.



## PRESENTATION 3: OVERVIEW OF FISHERIES PROSECUTION IN GHANA; SUCCESSES AND CHALLENGES



**Figure 6. Mrs. Francisca Tete-Mensah presenting on success and challenges of fisheries prosecution in Ghana**

This session was presented by Mrs. Francisca Tete-Mensah, a Senior State Attorney from the Attorney General's Dept.

In her presentation Mrs. Tete-Mensah explained that Fisheries Settlement Committees are already in place to handle out-of-Court cases in Tema and Takoradi. She noted that prosecution was important to combat Illegal, Unreported and Unregulated (IUU) fishing. She explained that there was need for active collaboration with our neighboring Countries in order to develop appropriate regional mechanisms to combat IUU fishing in all its forms.

Mrs. Tete-Mensah explained that after an arrest is made, a pre-out of Court Settlement arrangements is initiated by the following process:

- Record of arrest and launching of complaint to marine police.
- Defendants are made aware of their rights including right to legal representation. (This ensures fairness).
- Request for interpreter if required for captain who are not proficient in English language.

She explained that procedure for fisheries Out-of-Court settlement committee includes:

- Written request by offenders to agree for the Out-of-Court settlement.
- Written invitation to appear before the out-of-court settlement committee.
- Negotiation and settlement.
- Fine and forfeiture of seized items.
- Signing of bond of good behavior.

- Payment of fine within 30 days into the Fisheries Development fund and evidence provided.

Concluding, her presentation, Mrs. Tete-Mensah mentioned that a key success of the prosecution of fisheries cases, is the removal of the yellow card label on Ghana, by the EU. Though the prosecution of fisheries cases in Ghana have been successful, she noted that it has also been confronted with a lot of challenges that needs to be properly addressed. On that note, she called for collaboration amongst all relevant institutions and stakeholder groups.

## PRESENTATION 4: THE ROLE OF THE FISHERIES OUT-OF-COURT SETTLEMENT COMMITTEE AND ITS LEGALITY UNDER THE FISHERIES ACT AND OTHER LAWS OF GHANA



**Figure 7. Dr. Raymond Atuguba, presenting on the legalities of Fisheries Settlement Committees**

This session was presented by Dr. Raymond Atuguba. His presentation sought to assess the legality or otherwise of the Out-Of-Court Settlement Committee under the Fisheries Act 625, and other laws of Ghana.

Dr. Atuguba explained that section 10 of the Fisheries Act 625 mandates the Fisheries Commission to establish a Fisheries Settlement Committee. He noted that function of the settlement Committee is to hear and settle complaints from persons aggrieved in respect of matters arising from or related to the fishing industry. He explained that per the section 10 the membership of this Fisheries Settlement Committee should not be less than three (3) nor more than five (5) members.

He noted that although the Fisheries Act does not make mention of any Fisheries Out-Of-Court Settlement Committee, but such a Committee can legitimately and legally be established under Section 9 of the same Act, so he noted that the formation of Out-Of-Court Settlement Committee was legal.

He noted that the functions of the Out-Of-Court Settlement Committee appear to be as those of a quasi-judicial body or mini Court. Especially It “adjudicates” fisheries matters (mostly Civil Matters). He noted that some members of this Committee premise their authority under section 116 of Act 625, which allows for the civil resolution of otherwise criminal offences in the fisheries sector.

However, Dr. Atuguba explained that there were serious legal issues with the functions/operations of the Out-Of-Court Settlement Committee for that matter acting as quasi-judicial body or mini Court.

## **Legal Issues/Challenges posed by Out-of-Court Fisheries Settlement Committee**

He explained that article 88 of the Constitution of Ghana mandates only the Attorney General to initiate and conduct all criminal prosecution. He therefore posed the following questions:

- Does the mandate of the Fisheries Out-Of-Court Settlement Committee conflict with the monopolistic power of the Attorney-General to initiate and conduct all criminal offences?
- Can the mandate of the Fisheries Out-Of-Court Settlement Committee be called initiation or conducting of criminal prosecution?
- Does the powers Committee conflict with the monopolistic powers of the police and other law enforcement agencies, to exercise prosecutorial discretion?
- Does the Committee's powers conflict with the monopolistic powers of the courts to adjudicate and determine rights and liabilities and allow out-of-court settlements? (Only the law Court under Article 125 has the power to try cases. Judicial power is administered by the Court of law. The committee is not a Court of law, so does its functions infringe on the constitutional power given to the judiciary to exclusively adjudicate both civil and criminal matters).

Dr. Atuguba explained that Ghana's Constitutional framework insulate the Court and Judges from interferences. The Constitution states that the judiciary should take no orders from anybody when exercising their judicial powers, the Courts are not under the direction and control of any person. He noted that the Committee is not be insulated from inimical interferences from "politics", "economics", and society" and not covered under the constitution of Ghana.

Dr. Atuguba noted that the Committees practice of compounding offences were illegal because what they do was trying to translate criminal offences into civil offences which are illegal. He explained that definition of crime is not only in the Criminal Offences Act, but also in the constitution. He noted that those things that are listed in the Fisheries Act 625 as crimes, must be dealt with criminally, except under sections 72 and 73 of the Courts Act. When a court looks at a case and says this is not a felony and there is no aggravation, then it can easily be settled out of Court.

### **Recommendations: Addressing the Challenges**

In conclusion, Dr. Atuguba explained that though the formation of Out-Of-Court Settlement Committee could be legal under Section 9 of the Act 625, However he noted that the functions of the committee appears to be illegal.

He therefore gave the following recommendations:

1. Create a Fisheries Court

He noted that the Minister of Fisheries could write to the Chief Justice (CJ) to create a fisheries Court. The Chief Justice can create divisions of Courts including a functional Fisheries Division of the High Court. He advised that all criminal aspects or matters reported to the Committee could then be sent to the High Court (Fisheries Division). He explained that this procedure would be consistent with Section 115 of Act 625 which directs that the Courts are to determine all offences captured under the Act (for foreign vessels, it must be High Court and CJ is tasked to determine which Court for the other vessels).

2. Rebranding of the Fisheries Out-of-Court Committees

Dr. Atuguba advised that the Fisheries Out-of-Court Committees could be rebranded to limit its jurisdiction to handle only Civil complaints made to it (as contained in Section 10 and as defined in Section 117 of Act 625).

He advised that Criminal matters (offences not amounting to felony and not aggravated in degree) should be referred to the Fisheries Court for settlement under Sections 72 and 73 of the Courts Act.

### 3. Better regulate prosecutorial discretion

Dr. Atuguba advised that there was need to regulate prosecutorial discretion in the Act 625. He also noted that the police has prosecutorial discretion which also needs to be properly regulated. He explained that the Police have the discretion to establish whether there is a prima facie case before bringing an arrested person on charge to Court.

### 4. Regulate the “adjudication” by the Committee in civil disputes

Dr. Atuguba explained that the Committee was an inferior tribunal and must be subjected to the supervisory jurisdiction of the High Court, so the Committee must comply with administrative justice which stipulates:

- Right to hearing
- Impartial adjudication
- Fairness
- Reasonableness
- Complying with the requirements imposed by law (Article 23)

He advised that the Committee must comply with all the requirements of the Constitution and especially the Human Rights Provisions under Chapters 5 and 6 of the Constitution of Ghana.

### 5. Better regulate the exercise of discretionary power by the police and other law enforcers and the committee

Dr. Atuguba explained that Article 296 of Ghana’s Constitution states that anyone with Discretionary Power must follow these four rules

- Be fair and candid.
- Not to be arbitrary, capricious or biased either by resentment, prejudice or personal dislike.
- Act in accordance with due process of law.
- Unless you are a justice or judicial officer, you must publish by Statutory Instrument Regulations to govern the exercise of the discretionary power.

In her submission she agreed that there were serious legal issues with the functions/operations of the Out-Of-Court Settlement Committee because the committee were acting as quasi-judicial body or mini Court.

She cautioned that the Committee’s assumed powers conflict with the monopolistic powers of the Courts under Article 125 to adjudicate and determine rights and liabilities.

She also explained that only the law Court has the power to try cases and Judicial power is administered by the Court of law of competent jurisdiction.

She concluded that the committee was not a Court of law, so its functions infringe on the constitutional power given to the judiciary to exclusively adjudicate both civil and criminal matters.





**Figure 8. One of the Judges contributing to discussions at the workshop.**



**Figure 9. A picture of the Director of Marine Police contributing to discussions**

The Marine Police Director admitted that the powers of Committee conflict with the monopolistic powers of the police and other law enforcement agencies, to exercise prosecutorial discretion? He advised that only law enforcement agencies in Ghana have the capacity and power to exercise prosecutorial discretion. He noted the this was what the Committee were doing and was illegal.

## **CONCLUSION**

Participants discussed the submissions and the recommendations and concluded that the functions of the Fisheries Out-of-Court Committees had serious legal implications.

They proposed that the committee should be a referral from the court so there was need for a realignment of their function to conform with Ghana's Legal provisions.

Participants agreed that the realignment will help address legal concerns and minimize political interferences in the functions of the committee.