

# SECURING EQUITABLE AND SUSTAINABLE FISHERIES

The case for greater transparency in the management and governance of Ghana's fisheries sector



Project implemented by:



Hen Mpoano

With financial support from:



Far Dwuma Nkodo

Securing Sustainable Fisheries



## Far Dwuma Nkodo

Securing Sustainable Fisheries

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The **Environmental Justice Foundation (EJF)** and **Hen Mpoano** are working in partnership under the **Far Dwuma Nkodo** – “*Securing Sustainable Fisheries*” project, with financial support from the **European Union** and the **German Federal Ministry for Economic Cooperation and Development (BMZ)**. The Far Dwuma Nkodo project is a three-year project to secure greater environmental sustainability and social equity in Ghana’s fishery sector.

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### Abbreviations

AIS	Automatic identification system	LOA	Length overall
CFS	Committee on World Food Security	MCS	Monitoring, control and surveillance
COFI	Committee on Fisheries	MoFAD	Ministry of Fisheries and Aquaculture Development
EEZ	Exclusive Economic Zone	MT	Metric tonnes
EITI	Extractive Industries Transparency Initiative	NGO	Non-governmental organisation
EU	European Union	NPOA-IUU	National plan of action to prevent, deter and eliminate illegal, unreported and unregulated fishing
FAO	Food and Agriculture Organization	SFMP	Sustainable Fisheries Management Project (Ghana)
FCWC	Fishery Committee for the West Central Gulf of Guinea	SFPA	Sustainable Fisheries Partnership Agreement
FITI	Fisheries Transparency Initiative	SSF	Small-scale fisheries
FMC	Fisheries Monitoring Centre	UN	United Nations
GHEITI	Ghana Extractive Industries Transparency Initiative	UNCLOS	United Nations Convention on the Law of the Sea
GHS	Ghanaian Cedi	USAID	United States Agency for International Development
GRT	Gross register tonnage	UVI	Unique vessel identifier
GT	Gross tonnage	VGGT	Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security
IEZ	Inshore Exclusion Zone	VMS	Vessel monitoring system
IMO	International Maritime Organization	WARFP	West Africa Regional Fisheries Programme
IUU	Illegal, unreported and unregulated fishing		
KPI	Key performance indicator		

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## Introduction

Over two million people in Ghana, or around 10% of the population, rely directly or indirectly on fisheries for their livelihoods<sup>1</sup>, with more than 200 coastal villages dependent on fisheries as their primary source of income<sup>2</sup>. Ghana has one of the largest and most important small-scale fishing fleets in West Africa, accounting for 11% of total artisanal canoes in the region<sup>3</sup> and employing around 80% of fishers in the country<sup>4</sup>.

Ghana's fisheries sector is facing unprecedented challenges. Decades of over-exploitation by both the artisanal and industrial fleets have pushed stocks of some key species, such as sardinella, to the brink of collapse (**Figure 1**)<sup>5</sup>. Illegal and destructive fishing practices are widespread, causing irreparable damage to ecosystems and the marine environment<sup>6</sup>. Incomes of Ghana's small-scale fishers have dropped by as much as 40% in the last 10-15 years<sup>7</sup>, and the country is now forced to import more than half of fish consumed<sup>8</sup>. Artisanal fishermen from Ghana also travel to other countries in the region, such as Liberia, in search of better catch.

Ghana's Ministry for Fisheries and Aquaculture Development is currently undertaking a process to revise and consolidate the country's fisheries laws. This is an opportunity to enshrine principles of sustainable management and good governance into Ghana's fisheries law framework, and to bring the law into line with international standards<sup>9</sup>.

Transparency is increasingly recognized as a key pillar of responsible fisheries governance and central to the sustainable management of marine fisheries<sup>10</sup>. Access to credible information is a prerequisite for informed and meaningful participation in fisheries management<sup>11</sup>, which, in turn, contributes to the design of rules and measures appropriate to local circumstances. This can help to secure broad-based support from stakeholders, increase the perceived legitimacy of laws and policies, and promote compliance. The latter is especially crucial

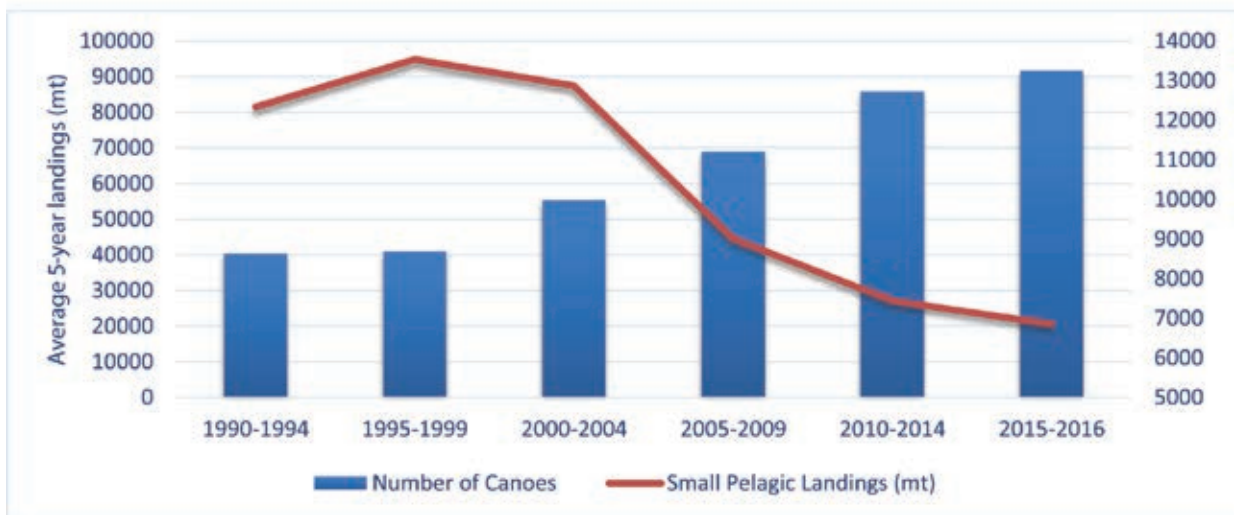
in Ghana, where around 150,000 fishers are dispersed across 500 kilometres of coastline, hampering the efficacy of centralized, top-down forms of enforcement.

Together, transparency and participation increase accountability of government institutions and support the fight against corruption. Increasing scrutiny over hitherto opaque processes can ensure, for example, that agreements granting access to fishing grounds are fair and sustainable, that revenue from fisheries is re-invested to support sustainable fisheries management, and that the interests of the least powerful in society are reflected in decision-making<sup>12</sup>.

Improving transparency in the fisheries sector is also a low cost yet highly valuable means of tackling illegal, unreported and unregulated (IUU) fishing. IUU fishing thrives in opaque operating environments, which allow the identity, ownership and history of fishing vessels to be disguised, and the perpetrators of illegal activities to avoid detection and sanction. A lack of transparency impedes the activities of authorities seeking to enforce fisheries laws, and the efforts of industry players and the concerned public to determine the legality and sustainability of their seafood.

This paper sets out the case for improving transparency in Ghana's fisheries sector, as a low cost yet highly effective means of increasing accountability, ensuring meaningful participation of stakeholders in decision-making, addressing IUU fishing and promoting sustainable fisheries management. The key gaps in transparency are discussed, and recommendations proposed to address the shortcomings identified, in the context of the ongoing revision of Ghana's fisheries law framework.

**Figure 1:**  
**Landings of small pelagic stocks (sardinellas, anchovies and mackerel) and effort in number of canoes targeting small pelagics from 1990 to 2016**



Source: Scientific and Technical Working Group (2018)

## Global developments in fisheries transparency

Since Ghana's Fisheries Act was adopted in 2002, there has been growing consensus at the international level around certain best practice elements of fisheries governance. These best practices have been enshrined in voluntary guidelines and binding legal texts, which provide essential guidance for states when amending or adopting laws on fisheries governance and related issues. They include the following:

- The Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT)<sup>13</sup> endorsed on 11 May 2012 by the top United Nations (UN) body responsible for food security issues – the Committee on World Food Security (CFS).
- The Voluntary Guidelines for Securing Sustainable Small-scale Fisheries in the Context of Food Security and Poverty Eradication (SSF Guidelines)<sup>14</sup>, endorsed by the UN Food and Agriculture Organization's (FAO) Committee on Fisheries (COFI) in 2014.
- The Voluntary Guidelines on Flag State Performance<sup>15</sup>, endorsed at the twenty-first session of the COFI in 2014.

Of these, the VGGT and SSF guidelines place particular emphasis on the need for transparency and participation in fisheries reforms, and their crucial role in increasing accountability and supporting the fight against corruption.

Building on the momentum of the VGGT and SSF guidelines, the Fisheries Transparency Initiative (FiTI) was launched in 2015, in recognition of the fact that basic information on the fisheries sector often lies outside of the public domain. The FiTI Standard comprises a set of 12 transparency requirements applicable to all countries, which provide comprehensive guidance on how to achieve and maintain high levels of transparency in fisheries management and in the activities of fishers and fishing companies<sup>16</sup>. The requirements are<sup>17</sup>:

1. Public registry of national fisheries laws, regulations and official policy documents
2. Summary of laws and decrees on fisheries tenure arrangements
3. Publication of all foreign fishing access agreements
4. Publication of existing national reports on the state of fish stocks
5. Public online registry of authorised large-scale vessels, as well as information on their payments and recorded catches
6. Information on the small-scale sector, including the numbers of fishers, their catches and financial transfers to the state
7. Information on the post-harvest sector and fish trade
8. Information on law enforcement efforts, including a description of efforts to ensure compliance by fishers and a record of offences in the sector
9. Information on labour standards in the fisheries sector

10. Information on government transfers and fisheries subsidies
11. Information on official development assistance regarding public sector projects related to fisheries and marine conservation
12. Information on the country's status regarding beneficial ownership transparency

At the regional level, the 2014 report by the Africa Progress Panel<sup>18</sup> called on governments to increase transparency in the region's fisheries, as a means of ensuring these resources are harnessed on a sustainable basis for development. The Panel set out a number of recommendations to achieve this goal, including:

1. Implementing full transparency in tendering for permits, following best practices in the extractives sector.
2. Barring holders of public office from participation in any tendering processes and publishing full details of all permit sales.
3. Publishing contracts between governments and fishing companies in ways that are easily accessible and understandable by citizens and interested parties.

The African Union has made similar calls for increased transparency in the fisheries sector, recommending the publication of vessel licenses and registration lists, licensing procedures, fisheries agreements and information on IUU fishing cases<sup>19</sup>. The Union estimates that between US\$ 2 and 5 billion is lost annually due to the mismanagement of African fisheries, for reasons including inadequate transparency and accountability, and the limited structured participation of users and non-state actors in the formulation of policies and management of fisheries resources<sup>20</sup>.



Fish for sale at the landing site at Gomoa Fetteh. © EJF

## Recommendations for improved transparency in Ghana's fisheries sector

Over the past decade, Ghana has made progress towards increasing transparency in the fisheries sector. This includes:

- Publication of lists of semi-industrial and industrial vessels with active licences to fish in the Ghanaian Exclusive Economic Zone (EEZ)<sup>21</sup>.
- Publication of guidelines for the registration and licensing of fishing vessels (industrial and semi-industrial) in Ghana<sup>22</sup>.
- Publication of a fisheries management plan, including data on catch and effort per fleet<sup>23</sup>.
- Requiring industrial vessels to carry unique vessel identification numbers issued under the International Maritime Organisation (IMO) Ship Identification Number Scheme<sup>24</sup>, as a condition to fish, and inclusion of this information in public licence lists.
- Requiring applicants to provide information on beneficial ownership when applying to register a fishing vessel in Ghana, or for an authorization to fish outside of Ghanaian waters<sup>25</sup>.

Ghana's 2015-2019 Fisheries Management Plan sets out a number of principles to guide implementation of the plan, including the equitable distribution of benefits, participation, public accountability and transparency. According to the plan, the Government undertakes to "be accountable and transparent in the management of the fisheries resources of Ghana" and to promote "collaboration, participatory decision making and shared responsibility with all stakeholders"<sup>26</sup>.

However, further efforts are required to increase access to information in a number of key areas. This would contribute to improved management and governance in Ghana's fisheries sector, for example through:

- Enabling civil society, including fisheries associations, the media and NGOs, to scrutinize decisions of government, and ensure that these decisions contribute to the fair and sustainable exploitation of fisheries resources.
- Supporting informed and meaningful participation of fishing communities in decision-making, as a basis for implementing Ghana's future policy on fisheries co-management<sup>27</sup>.
- Increasing accountability of government institutions in the fisheries sector, helping address issues of political interference, conflicts of interests and regulatory capture<sup>28</sup>.
- Reducing the cost-burden associated with enforcement operations, and making those operations more targeted and effective, both in Ghana and in neighbouring countries.

The key gaps in transparency are discussed in the following sections, and recommendations proposed to address the shortcomings identified. It is noted that this report focuses primarily on the need for greater transparency in relation to the activities and management of Ghana's industrial fisheries, albeit some recommendations will have implications for all fleets. Recommendations targeting the management of Ghana's small-scale fisheries, including those relating to transparency, will be published in a future report.

## 1. Status of implementation of the fisheries management plan

Ghana's 2015-2019 Fisheries Management Plan<sup>29</sup> (the **Management Plan**) provides a roadmap towards the recovery of the nation's fisheries. The plan sets out a number of strategic actions aimed at reducing excessive pressure on fish stocks, including a reduction in the size of the industrial trawl fleet, the implementation of closed seasons, and the application of deterrent sanctions against IUU fishing<sup>30</sup>.

As a coastal state, Ghana has an obligation under international law to implement science-based measures to ensure fisheries resources within its waters are not endangered by over-exploitation<sup>31</sup>. If fully implemented, the Management Plan would represent a major step towards fulfilling this obligation, while also supporting the fight against IUU fishing<sup>32</sup>.

According to the Management Plan, an Operational Plan is to be developed on an annual basis, designating the actions to be taken in every calendar year. In addition, the Fisheries Commission is to report annually on the performance of Ghana's fisheries resources against the timeframes set out in the plan, as well as key performance indicators (KPIs)<sup>33</sup>.

However, the status of implementation of the Management Plan is currently unclear. At the time of writing, well into Year 4 of the plan, there has been neither an annual report on performance against KPIs, nor data published more generally on implementation of the plan. This not only undermines the credibility of measures set out in the Management Plan, and the purpose of the plan as a whole, but represents a major gap in transparency, which precludes interested parties from scrutinizing implementation of the plan and ensuring key targets are met.

One area with respect to which transparency is particularly lacking is in relation to the reduction in capacity of the industrial trawl fleet<sup>34</sup>.

The Management Plan sets a target of reducing the fishing days of the industrial trawl fleet by 50% over the first three years of the plan. Measures to implement this "high priority" strategic action include:

- Reduction in the number of vessels over the first three years of the plan.
- Implementation of a vessel replacement scheme for registered vessels (allowing for the replacement of two old vessels for one new vessel not exceeding 300 gross tonnes).
- Cancellation of licences for repeat IUU offenders, without an option to replace the vessel.
- Implementation of closed seasons for two months annually, increasing to four months by Year 3 of the plan (2017).

These targets build on previous efforts to address over-capacity in Ghana's industrial trawl fleet. As a condition of funding from the World Bank under the West Africa Regional Fisheries Programme (WARFP), the Government undertook to place a moratorium on new licences in the industrial trawl sector. This was formalized in a press release issued by the Government, which suspended the issuing of new fishing licences and the replacement of old vessels in the industrial (and semi-industrial) sub-sectors, as well as permits to import and operate fishing vessels, effective from 1 February 2012.

While the capacity reduction targets in the Management Plan are to be welcomed, to date implementation has lacked transparency. During the licensing period commencing March 2018, 68 trawlers held active licences to fish in Ghana, according to the list of licensed vessels published on the Ministry's website. This represents a reduction of more than 30% as compared to the 107 trawlers with licences in 2014.

Yet, additional vessels were licensed to fish during this period but which were not included in the public licence list. This includes the vessels HAI LU FENG 5 and 6, which were licensed to fish in the Ghanaian EEZ from April 2018. Prior to entering Ghanaian waters in February 2018, the vessels were operating in Angola and under a different (non-Ghanaian) flag<sup>35</sup>.

In 2017, four trawlers (M/V LIAN RUN 43 and 44, and LU RONG YUAN YU 219 and 220) entered the Ghanaian vessel register, none of which held licences in either 2015 or 2016<sup>36</sup>. Three of these vessels are listed as owned by Ghanaian companies incorporated in 2016-17, therefore unlikely qualify as "replacement" vessels under the provisions described above<sup>37</sup>. All four vessels were built in either 2015 or 2016, according to data in the IHS Sea-web database. It is unclear whether these additions to the industrial trawl fleet since 2015 are consistent with the capacity reduction targets set out in the Management Plan.

Furthermore, of the 68 industrial trawl vessels licensed to fish from March-June 2018, at least half were built in 2013 or later, after the moratorium on new or replacement vessels came into effect<sup>38</sup>. It is also worth noting that the Chinese company Rongcheng Marine Fishery Co. Ltd launched its fishing operations in Ghana in 2013, after the February 2012 moratorium. This saw the addition of more than 20 new trawl vessels to the fleet register<sup>39</sup>.

Since July 2018, the list of vessels with active licences to fish in the Ghanaian EEZ has not been published, making it impossible to assess progress towards the achievement of capacity reduction targets<sup>40</sup>. Furthermore, with no published data on IUU fishing infringements, it is not possible to assess whether licences for repeat IUU offenders have been cancelled as required under the Management Plan.

As regards the implementation of closed seasons to achieve a reduction in fishing days, these have been implemented for the industrial trawl fleet as follows:

- One month in 2016 (1 to 30 November)
- Two months in 2017 (1 February to 31 March)
- Two months in 2018 (1 January to 28 February)

Although these efforts are to be welcomed, they fall short of the target of four months by Year 3 (i.e. by end 2017) set out in the Management Plan. In addition, the process for designating closed seasons is not transparent: the chosen timings lack a clear scientific basis, while the impacts of closures on fish populations are not routinely monitored or communicated to stakeholders.

### Recommendation 1:

Publish an annual report providing a detailed and up to date assessment of progress towards implementation of the 2015-2019 Fisheries Management Plan, with reference to specific timeframes and KPIs, and explanations where targets have not been met.

### Recommendation 2:

Mandate the publication of a five-year fisheries management plan, based on best available scientific evidence, in the future fisheries law, together with annual reporting on progress towards implementation of the plan.



Fishing vessels at Elmina port. © EJF

## 2. Information on licensing and authorisation of fishing activities

Recent years have seen progress towards the transparent licensing of vessels fishing in Ghanaian waters. This includes publication of information on Ghanaian-flagged vessels licensed to fish in Ghana, including details of IMO numbers.

However, critical shortcomings remain which limit meaningful improvements in accountability in Ghana's fisheries sector and the fight against IUU fishing. These concern, most notably, the management of the licence list itself, which is not regularly updated and is no longer available online at the time of writing (November 2018).

### Recommendation 3:

Ensure the list of licensed vessels is maintained up to date and published on the Ministry's website<sup>41</sup> and includes all vessels licensed to fish in Ghanaian waters, regardless of flag.

Additional shortcomings, and how they may be addressed, are discussed below.

### 2.1. Details of licensing conditions and landings

To effectively scrutinize the sustainability of fishing activities in Ghana's waters, further information is needed on the specific conditions of licences, as follows:

**Licensed fishing days:** Under the Management Plan, the number of fishing days for industrial trawlers is to be reduced by way of conditions set out in fishing licences (amongst other measures – see **Section 1** above). However, these licensing conditions are currently not disclosed to the public. Publication of the number of fishing days allocated to licensed vessels per calendar year would allow interested parties to determine whether recent reductions in vessel numbers (see **Section 1**) have translated into an effective reduction in pressure on fish stocks.

**Management of by-catch:** There are concerns that vessels with licences to fish for bottom dwelling species, such as snappers, groupers and cephalopods, are deliberately harvesting small pelagics and other non-target species through illegal adaptations to fishing gear<sup>42</sup>. It is recommended that measures to address these concerns are disclosed to the public, for example, the implementation of licensing conditions aimed at limiting the quantity of by-catch, restricting the type and use of fishing gear, and specifying the target species for which fishing is permitted.

Landed quantities of target and non-target species should also be published to allow for transparent monitoring against licence conditions. While data on landings by fishing fleet were published in the 2015-2019 Fisheries Management Plan, more recent data indicate significant changes since the plan was published. In 2014, the industrial trawl fleet reported official landings of 18,500 tonnes<sup>43</sup>, increasing by more than three-fold to 67,000 tonnes in 2017<sup>44</sup>, excluding any illegal and unreported catches (see **Section 3.3** below). This highlights the importance of routine publication of data to allow for informed, participatory and inclusive management of Ghana's fisheries.

### Recommendation 4:

Publish licensing conditions for vessels fishing in the Ghanaian EEZ, including number of allocated fishing days per vessel, target species, catch quota, by-catch limitations, and fishing gear restrictions.

### Recommendation 5:

Publish data on landings of target and non-target species, at a minimum on a quarterly basis, to allow for transparent monitoring against licensing conditions (see **Recommendation 4**).

### 2.2. Amount of licence fees paid and how these funds are to be used

Licence fees for access to fisheries resources in the Ghanaian EEZ vary according to the Gross Register Tonnage (GRT) and category of the vessel concerned. Details of fees payable are set out in the Schedule to the 2010 Fisheries Regulations (**Table 1**). Data from the WARFP project indicate that fishing licence fees in Ghana are substantially lower than fees applied by other West African countries, at US\$7,000 per year for an industrial trawler of 200 GRT (**Table 2**)<sup>45</sup>.

At present, annual government revenue from fishing licences is not disclosed to the public. As a result, it is not possible to determine whether fishing access arrangements in the Ghanaian EEZ reflect the fair value of fisheries resources. Data on fishing effort (e.g. number of fishing days) and landings under such arrangements are also not made publicly available.

Information on licensing revenue has, however, been published in reports by external (non-government) parties (see **Table 3**). According to these data, in 2014,



licence fees paid by the industrial trawl fleet amounted to €288,377 or US\$383,247 approx.<sup>46</sup>. Based on a licence fee of US\$35 per GRT per annum (**Table 1**), this equates to around 55 licensed vessels of 200 GRT<sup>47</sup>. Yet, according to the Management Plan, a total of 107 industrial trawlers were licensed to fish in 2014<sup>48</sup>. The reason for this discrepancy is unclear, but highlights the importance of external scrutiny over revenue from licence fees.

Regarding the use of this revenue, Article 37(a) of the 2002 Fisheries Act requires that fees for fishing licences, permits or other authorisations issued under the Act are to be paid, by banker's draft, into a Fisheries Development Fund<sup>49</sup>. Article 38 provides that the Fund shall be applied:

- towards the promotion and development of fisheries in the country,
- for the purposes of monitoring, control and surveillance (MCS) of Ghana's waters,
- to provide assistance to small-scale fishery co-operative enterprises,
- to promote research and studies of the fishing industry, and
- toward any other purposes determined by the Council in consultation with the Minister.

While the Act includes requirements for the auditing of the accounts of the Fisheries Commission<sup>50</sup>, including the Fisheries Development Fund<sup>51</sup>, there is limited to no information in the public domain on the amount and sources of revenue paid into the Fund, and the purposes for which it is applied. It is therefore not known whether revenue from fishing licences or, indeed, other sources of funds are applied for the purposes set out in the Fisheries Act.

Given the challenges facing Ghana's fisheries sector, it is imperative that these funds be used to support sustainable fisheries management, including to stem illegal fishing practices, and to support small-scale fishers, for example, in preparation for closed seasons<sup>52</sup>. This would provide much-needed financial autonomy in a sector heavily supported by international donors<sup>53</sup>.

Greater transparency around the use of the Fisheries Development Fund is urgently needed and should be mandated in the future fisheries law. To ensure accountability in the use of these funds, the legal framework must be strengthened to include clear and unequivocal obligations with regard to reporting, audits and the publication of annual accounts.

### Recommendation 6:

Publish details of fishing licence fees collected per fisheries sub-sector (inshore, industrial trawl and tuna) on an annual basis.

### Recommendation 7:

In the future fisheries law, mandate the publication of an annual report demonstrating the amount and sources of revenue paid into the Fisheries Development Fund, and the purposes for which it is applied.

**Table 1: Fishing licence fees set out in the Schedule to the 2010 Fisheries Regulations<sup>54</sup>**

Vessel category	Licence fee (US\$)
Inshore	<b>7.5 per GRT</b>
Industrial	
<i>Wholly Ghanaian companies</i>	<b>10 per GRT</b>
<i>Joint venture ownership/ Hire purchase agreement</i>	Trawlers up to 300 GRT: <b>30 per GRT</b>
	Trawlers in excess of 300 GRT: <b>55 per GRT</b> (that is in excess)
	Shrimpers up to 200 GRT: <b>40 per GRT</b>
	Shrimpers in excess of 200 GRT: <b>70 per GRT</b> (that is in excess)
Tuna	Pole and line up to 500 GRT: <b>25 per GRT</b>
	Pole and line in excess of 500 GRT: <b>47 per GRT</b> (that is in excess)
	Tuna purse seiners up to 1000 GRT: <b>30 per GRT</b>

**Table 2: Fishing licence fees in a selection of West African countries**

Licence Charges				Revenue State
	Shrimp	Cephalopod	Demersal	Average
WARFP	\$/GRT	\$/GRT	\$/GRT	200 grt
Mauritania			\$125/tonne	87,500
Senegal	289	261	147	29,412
Guinea Bissau	409	332	307	61,353
Guinea	430	350	315	63,000
Sierra Leone	200	150	150	45,000
Sierra Leone Royalty	18,000	15,000	15,000	
Liberia	10% ex V	10% ex V	10% ex V	150,000
Ghana			35	7,000

Source: World Bank, West Africa Regional Fisheries Programme (WARFP)

**Table 3: Licence fees collected by year (2011-2015)**

Type of Vessel	2011	2012	2013	2014	2015
<b>GHS</b>					
Trawlers	538 314	614 196	845 794	1 136 063	1 749 946
Tuna vessels	1 620 284	1 893 398	2 350 050	2 921 996	5 189 587
Shrimpers	22 589	0	0	0	0
Carriers	83 175	88 720	110 900	121 990	243 384
<b>Total</b>	<b>2 264 362</b>	<b>2 596 314</b>	<b>3 306 744</b>	<b>4 180 048</b>	<b>7 182 917</b>
<b>EUR</b>					
Trawlers	251 114	264 034	330 375	288 377	403 316
Tuna vessels	755 835	813 945	917 952	741 717	1 196 061
Shrimpers	10 537	0	0	0	0
Carriers	38 800	38139	43 319	30 966	56 093
<b>Total</b>	<b>1 056 287</b>	<b>1 116 118</b>	<b>1 291 646</b>	<b>1 061 061</b>	<b>1 655 470</b>

Source: Data from the Ministry of Fisheries and Aquaculture Development, cited in EU-Ghana Sustainable Fisheries Partnership Agreement (SFPA) ex ante evaluation (2016)

### 2.3. External fishing authorisations

In order to fish outside of Ghanaian waters, a fishing vessel flagged to Ghana must first obtain an authorisation to fish from the Fisheries Commission and must be registered in the Commission's record of vessels<sup>55</sup>. Copies of any licences to fish in a foreign country must also be submitted to the Commission before the vessel commences fishing activities<sup>56</sup>.

To improve transparency in the authorisation of external fishing activities, it is recommended that key information from the record of vessels be published, including:

- the names of vessels authorised to fish outside of Ghana,
- vessel IMO numbers,
- information on beneficial ownership,
- the time and zone of authorised fishing activity, and
- the type of agreement under which the vessels are operating (e.g. private agreement with the coastal state or bilateral access agreement).

This would allow neighbouring countries and civil society organisations to identify vessels fishing outside of Ghana without the necessary authorisation, reinforcing the MCS activities of the Ghanaian authorities. It would also assist in monitoring the displacement of fishing vessels to neighbouring countries, for example, during closed seasons for fishing in Ghanaian waters.

### Recommendation 8:

Publish an up to date register of vessels authorised to fish outside of Ghanaian waters, including vessel name, IMO number, beneficial ownership, time and zone of fishing activity, and type of agreement under which the vessel is operating.

### Recommendation 9:

Publish the updated register of vessels flagged to Ghana, including key data such as vessel name, tonnage, IMO number, and beneficial owner, provide all information to the FAO Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels, and support the further development of the Global Record. Mandate IMO numbers for all eligible fishing vessels flying the Ghanaian flag.

## 2.4. Register of vessels

Publication of the updated register of vessels flagged to Ghana would further enhance transparency and assist third countries in their monitoring and enforcement activities<sup>57</sup>. This information should also be provided to the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels, which is currently under development by FAO. The Global Record, once fully operational, will constitute an international database of industrial fishing vessels throughout their lifespan, containing their unique vessel identifier and important information such as registration, vessel characteristics and ownership. It will also include information relevant to the fight against IUU fishing such as previous vessel names, owners and operators, as well as fishing authorisations and compliance record. The current version of the Global Record was made publicly available online in July 2018<sup>58</sup>.

The Global Record will be a crucial tool to assist fisheries authorities in making informed judgments as to whether vessels should be considered as high risk, and whether they should be granted flags, fishing licences and access to ports. In addition, the Global Record will provide crucial information on the size and capacity of each country's fishing fleet to inform effective fisheries management. All states should support the further development of the Global Record (that will eventually include all vessels above 10 GT or 12 metres length overall (LOA)), submit data on their fleet to the FAO, and provide regular updates.

The first phase of the Global Record is based on IMO numbers as the unique vessel identifier. IMO numbers are permanent identification numbers that remain with a vessel throughout its lifespan, facilitating the effective monitoring of fishing activity and tracking of compliance over time, regardless of changes in name, flag or ownership. At present, only vessels with IMO numbers are eligible to be included in the Global Record. All fishing vessels registered to the Ghanaian flag should therefore be required by law to obtain an IMO number, where eligible under the IMO Ship Identification Number Scheme.

## 2.5. Beneficial owners of fishing vessels registered to the Ghanaian flag

Improving transparency of beneficial ownership<sup>59</sup> in the fishing industry is a simple, cost effective mechanism to ensure that enforcement targets the perpetrators of illicit activities. Fishing activities too often operate in a shroud of secrecy, allowing the financial beneficiaries of illegal fishing activities to hide behind opaque corporate structures and leaving the fisheries sector vulnerable to corruption, tax evasion and transnational organised crime.

In Ghana, the lack of public information on beneficial ownership has allowed for abuse of nationality criteria set out in the 2002 Fisheries Act. According to the Act, foreign interests are not permitted to engage in Ghana's industrial trawl sector by way of joint ventures. This restriction is set out in Article 47(1), which provides that a local industrial or semi-industrial fishing vessel is one that is owned or controlled by:

- a citizen of Ghana,
- the Government of Ghana, or
- a company or partnership registered by law in Ghana which has its principal place of business in Ghana, and the share of which is beneficially owned wholly by the Government, a citizen, a public corporation established by law in Ghana or a combination of any of them.

The restriction applies to all local (i.e. Ghanaian) industrial and semi-industrial vessels, with an exception carved out for tuna vessels in Article 47(1)(b). As stated in the guidelines for acquiring a fishing licence in Ghana, the shareholding should be 100% Ghanaian for local industrial vessels and at least 50% Ghanaian for tuna vessel operations<sup>60</sup>. According to Ghana's NPOA-IUU fishing: "[t]he tuna industry is the only sector of the Ghanaian fishing industry where foreigners are permitted to go into joint-venture with Ghanaian nationals".<sup>61</sup>



Industrial trawler at sea. © EJF



Saiko canoes at Elmina port. © EJF

These restrictions purport to ensure that the financial benefits accruing from Ghana's trawl sector are retained within the country, rather than being sent overseas. Indeed foreign-flagged trawlers are currently not licensed to operate in Ghana's EEZ.

In spite of these restrictions, foreign interests, particularly from China, are widespread within Ghana's industrial trawl sector. Based on available information, it is estimated that over 90% of industrial trawlers operating in Ghana have some form of Chinese involvement<sup>62</sup>. However, details of beneficial ownership are not disclosed to the public, with only the Ghanaian licence holder published in the list of licensed trawlers on the Ministry's website.

Concealment of beneficial ownership is problematic for a number of reasons. Critically, where illegalities are present, it may not be possible to hold the true beneficiaries to account for their illegal practices and sanction them accordingly<sup>63</sup>. In recent years, certain forms of illegal fishing have increased in the industrial trawl sector, most notably in the form of "saiko" – the trans-shipment of fish (often juveniles and small pelagic species) at sea to specially adapted canoes. Despite being illegal, saiko accounted for an estimated 100,000 metric tonnes of fish in 2017<sup>64</sup>.

Concealment of beneficial ownership opens the door to political interference, conflicts of interest, and other forms of abuse. This may compromise the conduct of investigations into IUU fishing, amongst other issues.

In Ghana, steps have been taken to increase transparency of beneficial ownership in the extractive industries sector as part of the Extractive Industries Transparency Initiative (EITI – see **Box 1**). It is strongly recommended that these developments be expanded to include the fisheries sector.

### Recommendation 10:

Include details of beneficial ownership in the published list of vessels licensed to fish in Ghanaian waters, and in the record of Ghanaian-flagged vessels authorised to fish in external waters.

### Recommendation 11:

Expand developments under the Ghana Extractive Industries Transparency Initiative with regard to transparency of information on beneficial ownership, to the fisheries sector.

### Recommendation 12:

Update the definition of a beneficial owner in the 2002 Fisheries Act in line with the updated and more comprehensive definition set out in the 1973 Companies Act, Act 179, as amended by the 2016 Companies (Amendment) Act, Act 920.

**"Concealment of beneficial ownership is problematic for a number of reasons. Critically, where illegalities are present, it may not be possible to hold the true beneficiaries to account for their illegal practices and sanction them accordingly."**

## Box 1:

### Transparency and natural resource governance

**There is increasing recognition of the importance of transparency as a basis for good governance and the sustainable use of all natural resources, particularly in the extractive industries and forestry sector.**

The Extractive Industry Transparency Initiative (EiTI) is as a voluntary global standard that aims to promote open and accountable resource management in countries rich in oil, gas, and mineral resources. The EiTI is implemented in Ghana through the Ghana Extractive Industry Transparency Initiative (GHEITI), representing an important step forward in the transparent management of Ghana's natural resources.

The 2016 EiTI Standard requires all implementing countries to establish a public beneficial ownership disclosure regime by January 2020. The standard defines a beneficial owner in respect of a company as “the natural person(s) who directly or indirectly ultimately owns or controls the corporate entity”.

In response to this requirement, in 2016, Ghana published a comprehensive roadmap towards beneficial ownership disclosure, including the establishment of a beneficial ownership registry for the mining, oil and gas sectors. This initiative has received support from the highest levels in government.

In August 2016, Ghana's 1973 Companies Act, Act 179, was amended to provide for the inclusion of the names and particulars of beneficial owners of companies in the register of members, as a means of tackling corruption, money laundering and terrorism. The definition of beneficial ownership was also updated, taking into account definitions provided by the EiTI.

The Act now defines a beneficial owner in a broad sense, meaning an individual:

- (a) who directly or indirectly ultimately owns or exercises substantial control over a person or a company;
- (b) who has a substantial economic interest in or receives substantial economic benefits from a company whether acting alone or together with other persons;
- (c) on whose behalf a transaction is conducted; or
- (d) who exercises ultimate effective control over a legal person or legal arrangements.

As part of stakeholder consultations on the issue, both state and non-state actors agreed that beneficial ownership disclosure should not be limited to the extractive sector, but expanded to include all other sectors.

#### For further information, see:

Republic of Ghana (2016). Ghana EiTI Beneficial Ownership Roadmap. Ghana Extractive Industries Transparency Initiative (GHEITI). [https://eiti.org/sites/default/files/documents/ghanas\\_eiti\\_beneficial\\_ownership\\_road\\_map.pdf](https://eiti.org/sites/default/files/documents/ghanas_eiti_beneficial_ownership_road_map.pdf)

GHEITI, 'Data analysis of Ghana's Extractive Sector', accessed 9.8.18. <http://data.gheiti.gov.gh/#home>

Sackey, K. and Arthur-Mensah, G. (2.2.17), 'Government commits to implementing beneficial ownership regime', Ghana News Agency, accessed 9.8.18. <http://www.ghananewsagency.org/economics/government-commits-to-implementing-beneficial-ownership-regime--112884>

### 3. Tracking of vessel histories and activities

#### 3.1. Vessel monitoring data

Ghanaian law mandates the use of electronic monitoring systems by all industrial fishing vessels registered to the Ghanaian flag<sup>65</sup>, and transmission of positions to the Fisheries Monitoring Centre (FMC) at least once in every two to six hours<sup>66</sup>.

Since October 2012, all Ghanaian tuna vessels have been fitted with a Vessel Monitoring System (VMS), and the industrial trawl fleet since September 2014. Industrial trawl vessels have also been fitted with Automatic Identification System (AIS) technology. These systems allow Ghana, as flag state, to monitor the activities of its vessels both within and outside of the Ghanaian EEZ. VMS and AIS are complementary technologies, that are most powerful when used in combination for monitoring purposes<sup>67</sup>. Mandating both AIS and VMS increases the transparency of fishing vessel movements, and the reliability of vessel position data<sup>68</sup>. VMS units are more difficult to tamper with than AIS, however data lack transparency, in most cases remaining under the control of flag state authorities. They may have lower reporting frequencies, with data generally transmitted every 1-4 hours, approx<sup>69</sup>.

AIS signals, in contrast, are transparent and unencrypted, and so can be monitored by anyone with access to tracking software, such as ExactEarth<sup>70</sup>. As such, they allow coastal state authorities to monitor the activities of vessels in their waters that are not “connected” to their VMS systems. AIS data may also be monitored by non-state actors, such as NGOs and researchers, complementing the work of MCS authorities where capacity or resources may be limited and allowing for independent studies of fishing effort. While AIS may be manipulated to transmit inaccurate information, signals

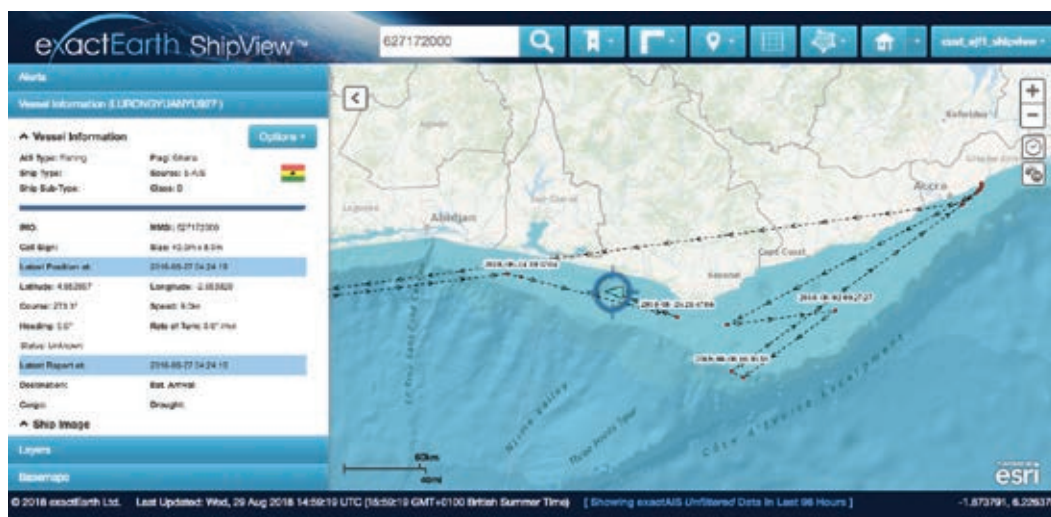
may be received by satellite more frequently than VMS (multiple times in a single hour), providing a more complete picture of vessel activities.

Although Ghana’s industrial trawl fleet has been fitted with AIS technology, at present only VMS is mandatory. Not all vessels transmit AIS signals (routinely) to the FMC, with gaps in AIS positions hindering the monitoring of vessel activities (see **Figure 2**). At least 10-15 active trawl vessels<sup>71</sup> in Ghana’s industrial trawl fleet are not visible at all on AIS tracking software. It is not known whether this is due to devices being switched off or having malfunctioned. In October 2018, around 50 industrial trawl vessels were observed to be transmitting AIS positions, according to data in ExactEarth. However, in a number of cases, vessels have been seen to go “dark” (disappear from AIS), in circumstances that may be intentional, for example, when travelling from Tema port, through the Ghanaian EEZ, to reach Côte d’Ivoire, and vice versa (see **Figures 3 and 4**).

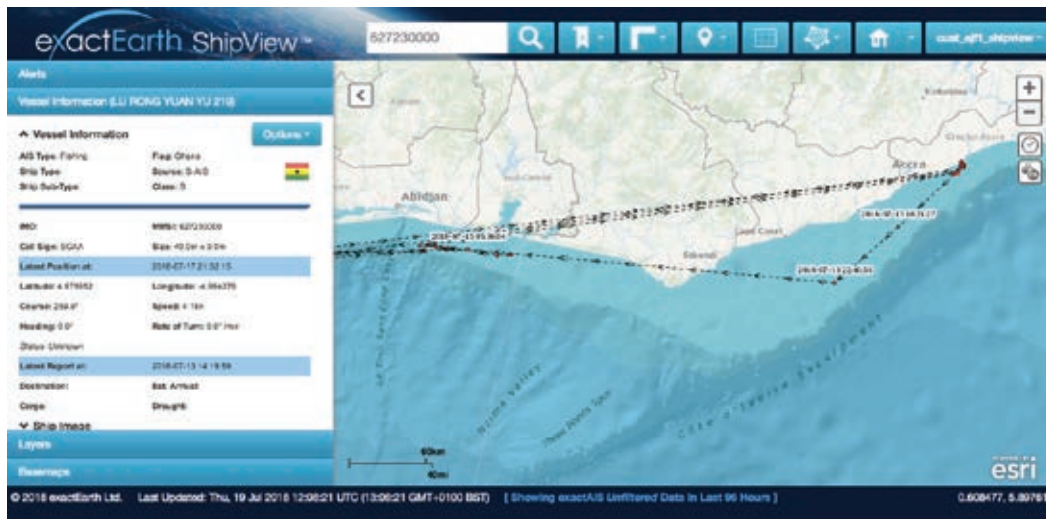
To improve the utility of data for monitoring purposes, there is a clear need to mandate the use of AIS for industrial vessels, and to deter intentional tampering with transponders. This is particularly crucial where vessels migrate to other countries in the region that do not have access to Ghana’s VMS, for example, during the implementation of closed seasons. During the closed season for the industrial trawl fleet in January-February 2018, only 41 out of the 76 active trawlers in December 2017 were routinely transmitting their AIS positions<sup>72</sup>.

Alternatively, the Government of Ghana could make their VMS data publicly available with at least hourly transmission intervals<sup>73</sup>. In 2017, Indonesia and Peru both agreed to share their VMS data on the publicly available satellite-monitoring platform, Global Fishing Watch<sup>74</sup>. VMS data could be published with a short delay to protect the security and commercial interests of vessels.

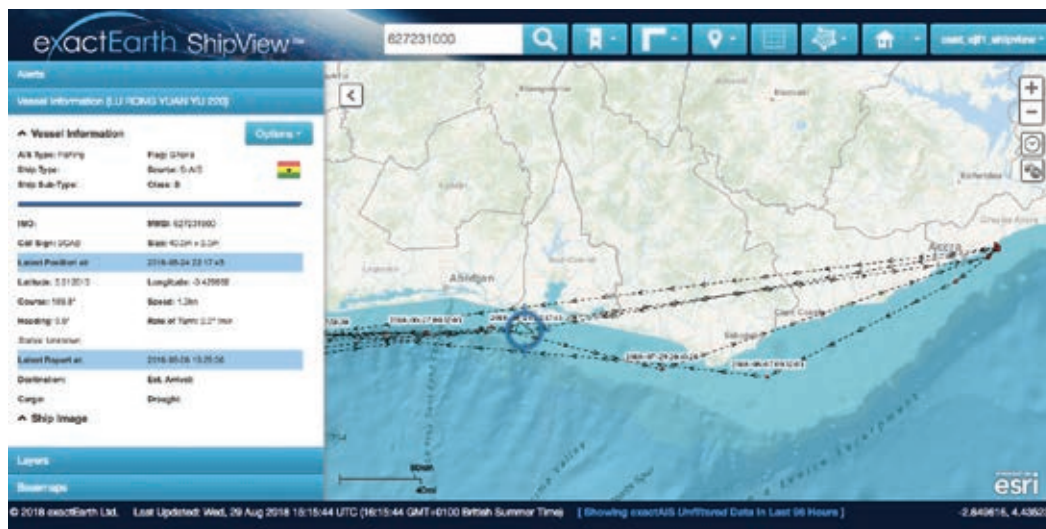
**Figure 2: Examples of gaps in AIS positions transmitted by industrial trawl vessel LU RONG YUAN YU 927 in August 2018**



**Figure 3: AIS positions transmitted by industrial trawl vessel MV LU RONG YUAN YU 219 between May and July 2018**



**Figure 4: AIS positions transmitted by industrial trawl vessel MV LU RONG YUAN YU 220 between June and August 2018**



### Recommendation 13:

Mandate the use of AIS for all industrial fishing vessels registered in Ghana and (i) licensed to fish in Ghanaian waters or (ii) authorised to fish outside of Ghana, with sanctions to apply in the event of infringement. Prior to the reform of Ghana's fisheries law framework, AIS can be mandated through conditions of fishing licences for industrial vessels. Additionally or alternatively, make unedited VMS data publicly available, with at least hourly transmission intervals.

## 3.2. Sanctions for fisheries-related infringements

The United Nations Convention on the Law of the Sea (UNCLOS) requires flag states to adopt a system of penalties for vessels flying their flag that are adequate in severity to discourage violations wherever they occur<sup>75</sup>.

Ghana's 2015-2019 Fisheries Management Plan outlines a system of graduated and deterrent sanctions for IUU fishing infringements, broadly in line with the sanctions in the Fisheries (Amendment) Act, 2014<sup>76</sup>, as follows:

- US\$2 million for first time offenders,
- US\$2-4 million for second time offenders,
- US\$4 million for third time offenders followed by automatic cancellation of the vessel licence<sup>77</sup>.

The cancellation of licences for repeat IUU offenders is one measure outlined in the Management Plan to bring about a reduction in capacity of the industrial trawl fleet (see **Section 1** above).

Due to a lack of transparency around the sanctioning of IUU fishing infringements, it is currently not known whether deterrent levels of sanctions are applied in practice, or whether vessels that have repeatedly engaged in IUU fishing have been removed from the licence list in accordance with the Management Plan. The Ministry's website contains a section entitled "Infraction Reports", however this has not been populated with information on IUU fishing offences and related sanctions<sup>78</sup>.

For the vast majority of IUU fishing infringements, cases are settled through an out-of-court settlement procedure<sup>79</sup>, limiting the availability of data in the public domain. According to Section 116(1) of the 2002 Fisheries Act, in cases settled through this procedure, the amount of the fine payable shall not be less than the minimum fine specified in the legislation plus the fair market value of the fish caught illegally<sup>80</sup>. The sum must be paid within 30 days to the Fisheries Development Fund.

Data on fisheries-related infringements have been published in external (non-government) reports, examples of which are provided in **Appendix I**. During the period 2013-2015, the highest fine recorded was US\$250,000, imposed with respect to three industrial trawlers for infractions detected in April 2015. In all three cases, the fines were subsequently reduced by around 80%<sup>81</sup>.

As of December 2014, when the 2014 Fisheries (Amendment) Act came into force, certain IUU fishing offences have attracted a minimum fine of US\$1 million. This includes the use of prohibited fishing gear, the taking on board and trans-shipment of undersized fish, and fishing in a closed area/beyond a closed depth.

The three cases from April 2015 all involved the taking on board of undersized fish. Settlement payments of around US\$ 50-55,000 were accepted by the Minister/ settlement

committee (see **Appendix I**), well below the minimum of US\$ 1 million set out in the 2014 Fisheries (Amendment) Act. These payments appear at odds with the requirement that out of court settlements be no less than the minimum set out in the legislation.

These examples point to a lack of clarity around the sanctioning process, and whether sanctions are being applied in accordance with national and, indeed, international law. This was a concern raised by the European Commission in its decision to warn (yellow card) Ghana in November 2013 for failing to fulfil its obligations under international law to fight IUU fishing – that although a dissuasive system of sanctions is provided in the legislation, sanctions are almost never concretely applied<sup>82</sup>.

Provision of public data on infringements and related sanctions would help to address these concerns, and any questions surrounding the impartiality of enforcement outcomes. Greater transparency surrounding the Fisheries Development Fund would also ensure that fines are paid in full within the statutory time period, and that the monies are applied for the purposes set out in the 2002 Fisheries Act (see also **Section 2.2** above and **Recommendation 7**).

### Recommendation 14:

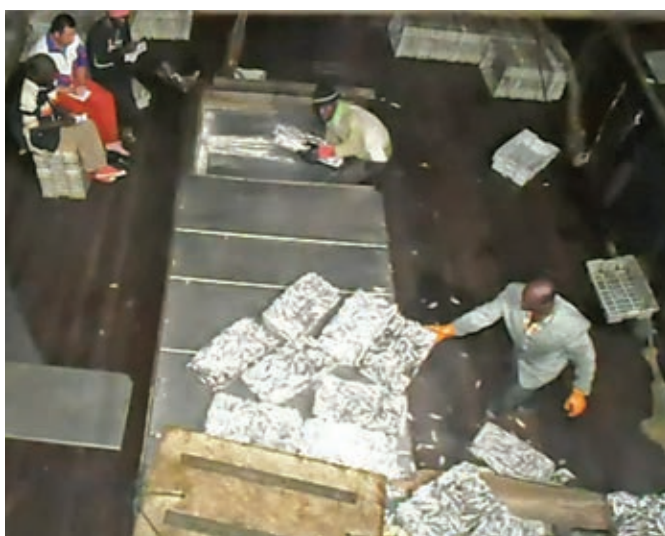
Publish updated data on fisheries-related infringements and sanctions, at least once per year, including the date of the infraction, the name, IMO number and owner of the vessel, the nature of the offence, settlement procedure, fine imposed and amount paid.

## 3.3. Trans-shipment at sea

The trans-shipment (or transfer) of fish between vessels at sea is a key enabler of IUU fishing<sup>83</sup>. At-sea trans-shipments allow vessels to remain at sea for long periods of time, reducing the frequency of inspections, and facilitating related crimes such as tax evasion and labour abuses. They are notoriously difficult to monitor, resulting in opaque supply chains and enabling the "laundering" of fish caught through IUU fishing activities<sup>84</sup>. Trans-shipment at sea raises broader maritime security concerns, with opportunities created for other serious crimes such as trafficking of people, drugs and weapons.

Addressing illegal trans-shipment at sea is a key priority of the Fishery Committee for the West Central Gulf of Guinea (FCWC), to which Ghana is a Contracting Party. According to Article 16(3) of the Convention on Minimum Requirements for Access to the Fishery Resources of the FCWC, the "transshipment of catches at sea is





Frozen blocks of fish being prepared for trans-shipment from a trawler to a saiko canoe. Footage courtesy of Hen Mpoano.

prohibited except in verifiable emergency situations”. In December 2017, Ghana signed the FCWC Strategy to Combat Illegal Transshipment at Sea, which requires that “transshipment from any fishing vessel flagged to a Member State or authorized to fish in the EEZ of a Member State, take place in a designated port”, except under circumstances of force majeure.

In Ghana, the trans-shipment of fish at sea from industrial trawlers to canoes –the practice known locally as “saiko” –continues to pose an urgent threat to marine fishery resources, and especially the small pelagic stocks. Saiko arose originally as an informal trading system, whereby unwanted fish caught by industrial vessels would be exchanged at sea for goods brought by canoes. Today, industrial trawlers –licensed to fish for bottom dwelling species such as groupers, snappers and octopus –target fish specifically for the saiko trade. This includes the small pelagics, such as sardinella and mackerel, the target catch of the artisanal fleet and in high demand for local consumption. The catches, which often include large quantities of juvenile fish, are frozen in blocks and transferred at sea to specially adapted “saiko canoes”.

A recent study estimated that around 100,000 metric tonnes of fish were traded through saiko in 2017, with an estimated landed value of US\$34-65 million<sup>85</sup>. At the same time, industrial trawlers reported landings of around 67,000 tonnes of fish in 2017<sup>86</sup>, suggesting a reporting rate of just 40% of total catches.

Saiko has devastating implications for artisanal fishing communities. Industrial trawlers now compete directly with artisanal fishers for depleted small pelagic stocks. Having caught the fish meant for artisanal fishers, saiko operators sell these back to the same fishing communities for profit. Saiko also floods the market

with cheap, poor quality fish, pushing down prices and incomes of artisanal fishers. The past 10-15 years have seen the average annual income per canoe drop by as much as 40%, compromising the socioeconomic development of Ghana’s coastal regions<sup>87</sup>.

Despite being prohibited under the 2010 Fisheries Regulations<sup>88</sup>, a low risk of arrest and sanction has meant that saiko has been on the increase in recent years. In 2017, 62 saiko canoes were recorded operating out of Elmina port, more than double the number of canoes counted in 2015<sup>89</sup>.

There is an urgent need for strict enforcement of the prohibition against saiko. Offenders must be identified and prosecuted, and penalties imposed that reflect the full force of the law and provide a strong deterrent<sup>90</sup>. It is vital that the prohibition against saiko remains in place in Ghana’s revised fisheries law, with no exception, with all catches landed in authorised ports. Only then will transparent, legal and sustainable fisheries be possible, and the full economic benefits of Ghana’s fisheries realised.

### Recommendation 15:

Strictly enforce the prohibition against saiko and ensure that trans-shipment at sea from industrial trawlers to canoes remains illegal in any form under the future fisheries law framework.

## Conclusions and recommendations

These are critical times for Ghana's fisheries sector. Stocks of key species are at an all time low, illegal and destructive practices are thriving, and vast over-capacity remains in both the artisanal and industrial fleets. Scientists warn of a collapse in small pelagic stocks as early as 2020 if there is no change to business as usual<sup>91</sup>. Resolving the crisis in Ghana's fisheries will require a range of ambitious and robust management interventions, backed by strong political will and the cooperation of all concerned stakeholders.

It is in such times that transparency, accountability and public participation are needed more than ever. These are core principles of responsible fisheries governance – enshrined in international guidelines – that can guide the fair and sustainable exploitation of precious resources.

Measures for achieving transparency are generally low cost, but have the potential to make a real and significant impact in the fight against IUU fishing, and in the equitable distribution of benefit flows. Ghana has made progress towards the transparent management of its fisheries resources, but there is much to be done. Improving access to information in a number of key areas can bring about meaningful change, in particular with regard to:

- Allowing for external scrutiny over whether targets for sustainable fisheries management are being adhered to.
- Ensuring much-needed revenue from licence fees and monetary penalties is applied towards the sustainable development of the sector.
- Identifying the true beneficiaries and perpetrators of large-scale and organized IUU fishing activities and holding them to account for their actions.
- Improving the monitoring of fishing activities by Ghanaian vessels, both in Ghana and in neighbouring countries.

While the majority of recommendations in this paper relate to industrial fishing, lifting the veil of secrecy around these operations would reduce suspicions and foster a sense of goodwill amongst small-scale fishing communities. This would provide a crucial entry point for collaborative management of Ghana's fisheries, and encourage small-scale fishers to abandon their own illegal practices and abide by fisheries rules.

**We recommend that the Government of Ghana puts in place the following transparency measures as a matter of priority and, where relevant, enshrines these measures as mandatory requirements in the future fisheries law framework:**



### Recommendation 1:

Publish an annual report providing a detailed and up to date assessment of progress towards implementation of the 2015-2019 Fisheries Management Plan, with reference to specific timeframes and KPIs, and explanations where targets have not been met.



### Recommendation 2:

Mandate the publication of a five-year fisheries management plan, based on best available scientific evidence, in the future fisheries law, together with annual reporting on progress towards implementation of the plan.



### Recommendation 3:

Ensure the list of licensed vessels is maintained up to date and published on the Ministry's website and includes all vessels licensed to fish in Ghanaian waters, regardless of flag.



### Recommendation 4:

Publish licensing conditions for vessels fishing in the Ghanaian EEZ, including number of allocated fishing days per vessel, target species, catch quota, by-catch limitations, and fishing gear restrictions.



### Recommendation 5:

Publish data on landings of target and non-target species, at a minimum on a quarterly basis, to allow for transparent monitoring against licensing conditions (see **Recommendation 4**).



### Recommendation 6:

Publish details of fishing licence fees collected per fisheries sub-sector (inshore, industrial trawl and tuna) on an annual basis.



### Recommendation 7:

In the future fisheries law, mandate the publication of an annual report demonstrating the amount and sources of revenue paid into the Fisheries Development Fund, and the purposes for which it is applied.



### Recommendation 8:

Publish an up to date register of vessels authorised to fish outside of Ghanaian waters, including vessel name, IMO number, beneficial ownership, time and zone of fishing activity, and type of agreement under which the vessel is operating.



### Recommendation 9:

Publish the updated register of vessels flagged to Ghana, including key data such as vessel name, tonnage, IMO number, and beneficial owner, provide all information to the FAO Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels, and support the further development of the Global Record. Mandate IMO numbers for all eligible fishing vessels flying the Ghanaian flag.



### Recommendation 10:

Include details of beneficial ownership in the published list of vessels licensed to fish in Ghanaian waters, and in the record of Ghanaian-flagged vessels authorised to fish in external waters.



### Recommendation 11:

Expand developments under the Ghana Extractive Industries Transparency Initiative with regard to transparency of information on beneficial ownership to the fisheries sector.



### Recommendation 12:

Update the definition of a beneficial owner in the fisheries law framework in line with the updated and more comprehensive definition set out in the 1973 Companies Act, Act 179, as amended by the 2016 Companies (Amendment) Act, Act 920.



### Recommendation 13:

Mandate the use of AIS for all industrial fishing vessels registered in Ghana and (i) licensed to fish in Ghanaian waters or (ii) authorised to fish outside of Ghana, with sanctions to apply in the event of infringement. Prior to the reform of Ghana's fisheries law framework, AIS can be mandated through conditions of fishing licences for industrial vessels. Additionally or alternatively, make unedited VMS data publicly available, with at least hourly transmission intervals.



### Recommendation 14:

Publish updated data on fisheries-related infringements and sanctions, at least once per year, including the date of the infraction, the name, IMO number and owner of the vessel, the nature of the offence, settlement procedure, fine imposed and amount paid.



### Recommendation 15:

Strictly enforce the prohibition against saiko and ensure that trans-shipment at sea from industrial trawlers to canoes remains illegal in any form under the future fisheries law framework.

## APPENDIX I

### Ghanaian industrial trawl vessels sanctioned for fisheries-related infringements in Ghana from 2013 to 2015

DATE OF ARREST	VESSEL NAME	OWNING COMPANY	TYPE OF OFFENCE	SETTLEMENT PROCEDURE	AMOUNT OF FINE IMPOSED	REMARKS
21.12.2013	Meng Xin 5 (AF 670)		Unauthorized Transhipment	In court	GHS 346,790	Settled. Fine partly paid (GHS 100,000)
31.12.2013	Genesis 3 (AF 688)	Nashie Fisheries	Fishing in the IEZ	Out-of-court	GHS 25,100	Settled. Fine paid in full
19.02.2014	Awo Yaa 8 (AF 648)	Cavalier Resources Ltd.	Fishing in the IEZ. Fishing with a net of undersized mesh	Out-of-court	GHS 104,385	Settled. Fine paid in full
21.06.2014	Comforter 2 (AF 720)	Boatacom Co. Ltd.	Fishing with a net of undersized cod-end mesh	Out-of-court	GHS 24,085	Settled. Fine paid in full
21.07.2014	Twin Port City 101 (AF 631)	Mass Fisheries Co. Ltd.	Fishing with a net of undersized cod-end mesh	Out-of-court	GHS 6,809	Settled. Fine paid in full
1.04.2014	Fidelis 102 (AF 705)		Fishing with a net of undersized mesh. Use of top-side chafers Failure to comply with instructions of arresting officer	Out-of-court	GHS 9,650	Settled. Fine paid in full
1.04.2014	Lian Run 14 (AF 713)	Decdor Co. Ltd.	Fishing with a net of undersized mesh. Use of top- side chafers	Out-of-court	GHS 6,650	Settled. Fine paid in full
7.04.2014	Lu Rong Yuan Yu 910 (AF 730)	Reonq Fishing Company	Failure to sign entries in log book. Wrong crew composition. Failure to comply with instructions of arresting officer	Out-of-court	GHS 24,829	Settled. Fine paid in full
28.08.2014	Sombo (AF 696)	Nacmana	Fishing in prohibited zone (gas pipe line)	Out-of-court	n/a	Case adjourned for further investigation
28.08.2014	Guo Jin 801 (AF 651)	Paradise Fishing Co. Ltd.	Fishing in prohibited zone (gas pipe line)	Out-of-court	n/a	Cases adjourned for further investigation
28.08.2014	Maache II (AF 677)		Fishing in prohibited zone (gas pipe line)	Out-of-court	n/a	Cases adjourned for further investigation
28.08.2014	Emule 4 (AF 637)		Fishing in prohibited zone (gas pipe line)	Out-of-court	n/a	Cases adjourned for further investigation
	Twin Port City 101 (AF 631)	Mass Fisheries Co. Ltd.	Fishing in the IEZ	Out-of-court	GHS 50,700	Settled. Fine paid in full (paid in 2015)
5.01.2015	MV Luyu 902 (AF 596)	Winemas Co. Ltd.	Fishing with a net of undersized mesh size	Out-of-court	GHS 46,000	Settled in full (payment made in Accra)
30.01.2015	MV Asona (AF 617)	Legon Fishing Co	Failure to document properly in log book. Failure to ensure safe boarding of inspection officers	Out-of-court	GHS 19,400	Settled. Fine paid in full
11.04.2015	Lu Rong Yuan Yu 959 (AF 741)	Rockpoint Co. Ltd.	Taking on board undersized fish	Out-of-court	GHS 47,980 & US\$ 250,000	Paid GHS 200,000 as accepted by Hon. Minister
12.04.2015	Jin Hai 605 (AF 744)	Itavan Ventures	Taking on board undersized fish	Out-of-court	GHS 13,049 & US\$ 250,000	Fine reviewed to GHS 10,000 and US\$ 55,000 by committee on 16 December
12.04.2015	Jin Hai 608 (AF 745)	Itavan Ventures	Taking on board undersized fish	Out-of-court	GHS 38,799 & US\$ 250,000	Paid GHS 200,000 as accepted by Hon. Minister
16.04.2015	Meng Xin 16 (AF 726)	Kenbonad Fisheries Ltd.	Fishing for juveniles	Out-of-court	GHS 25,600 & US\$ 60,000	Fine yet to be paid (requested to pay in tranches)
29.07.2015	Comforter I (AF 749)	Boatacom Ltd.	Harvesting juvenile fish. Use of top-side chafers	Out-of-court	US\$ 50,000 & GHS 10,000	Reviewed to US\$ 25,000 and GHS 10,000 by Hon. Minister. Paid in full
30.07.2015	Meng Xin II (AF 660)	Bossgie Ltd.	Use of top- side chafers	Out-of-court	GHS 3,000	Fine paid in full
5.08.2015	Twin Port City 104 (AF 632)	Mass Fisheries	Use of topside chafers	Out-of-court	GHS 12,153	Fine paid in full
21.08.2015	Twin Port City 104 (AF 632)	Mass Fisheries	Fishing in the IEZ	Out-of-court	GHS 11,825 & US\$ 20,000	Fine paid in full
5.08.2015	Sombo (AF 696)	Nacmana	Fishing in the IEZ	Out-of-court	GHS 9,600 & US\$ 20,000	Fine settled in full
2.09.2015	Bohye (AF 695)	Nacmana	Fishing in the IEZ	Out-of-court	GHS 4,136 & US\$ 20,000	Fine settled in full
9.11.2015	Lu Rong Yuan Yu 916 (AF 731)	Reonq Fishing Co. Ltd.	Use of topside chafers	Out-of-court	GHS 50,000	Fine settled in full

Source: Adapted from MoFAD and Friends of the Nation (2015). *Baseline for Prosecutions: Summary of Fisheries Arrests and Prosecution in the Western and Eastern Commands*. The USAID/Ghana Sustainable Fisheries Management Project (SFMP). Narragansett, RI: Coastal Resources Center, Graduate School of Oceanography, University of Rhode Island and Friends of the Nation. GH2014\_POL013\_FoN. 30 pp



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