



FINAL NARRATIVE REPORT

ON

ASSESSMENT OF GHANA'S FISHERIES LAWS FOR ALIGNMENT WITH THE VOLUNTARY GUIDELINES ON THE RESPONSIBLE GOVERNANCE OF TENURE AND SUSTAINABLE SMALL-SCALE FISHERIES

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CHAPTER ONE – BACKGROUND TO THE STUDY

1. ASSIGNMENT BACKGROUND

This report forms part of the Environmental Justice Foundation (EJF) and Hen Mpoano's implementation of a three-year fisheries management project in Ghana, with funding from the European Union (EU). The project forms part of the EU's Land Governance Programme, and aims to ensure greater environmental sustainability and social equity in Ghana's fishing sector by reducing illegal fishing, building local capacity to secure legal and sustainable fisheries, and promoting implementation of the FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the context of National Food Security (VGGT).

The overarching goals of the VGGT are to achieve food security for all and support the progressive realization of the right to adequate food in the context of national food security. The VGGT were unanimously endorsed on 11 May 2012 by the top UN body responsible for food security issues – the Committee on World Food Security (CFS). Together with the Voluntary Guidelines for Securing Small-scale Fisheries in the Context of Food Security and Poverty Eradication (SSF), the VGGT provide comprehensive guidance to governments, civil society and the private sector, on how to promote responsible governance of tenure of fisheries resources in line with internationally accepted standards. The VGGT, in particular, provide an authoritative point of reference for states amending or adopting laws on the tenure of land, fisheries and forests.

Within the framework of the Far Dwuma Nkodo project, EJF and Hen Mpoano are undertaking an assessment of Ghana's current fisheries law framework and related legislation for alignment with the principles of the VGGT and the SSF. The guiding principles of the VGGT and SSF include equity and equality; consultation and participation; transparency; accountability; economic, social and environmental sustainability, including the precautionary approach; and the ecosystem approach to fisheries.

2. PROJECT OBJECTIVE

The aim of the assessment is to identify the most appropriate means by which key principles of the VGGT and SSF can be implemented, and provide concrete recommendations that may be considered in the process to amend the 2002 Fisheries Act, Act 625, initiated by the Ministry of Fisheries and Aquaculture Development (MoFAD) and anticipated to be completed in 2019/2020.

EJF and Hen Mpoano have already completed a preliminary assessment of Ghana's 2002 Fisheries Act, Act 625 and 2010 Fisheries Regulations, LI 1968, for alignment with the VGGT and SSF, following the methodology used in the FAO's analytical assessment of the fisheries and aquaculture legislation of Sierra Leone undertaken in 2015 and the FAO's Technical Guide on Responsible Governance of Tenure and the Law. EJF and Hen Mpoano have engaged the TaylorCrabbe Initiative (TCi) to peer review and complete this assessment.

3. SCOPE OF REPORT

This report details the results of the legal assessment and suggested amendments to Ghana's fisheries law framework by TCI. It highlights the institutional, legal, policy and licensing framework for fisheries and presents key findings of the preliminary assessment of alignment of Ghana's national fisheries law framework with the VGGT and SSFG. This is followed with a list of recommendations for improving the legal framework. The report ends with suggested amendments to the 2002 Fisheries Act and 2010 Fisheries Regulations.

4. METHODOLOGY

The consultants undertook this assignment deploying a five-step methodology. First was a collation of legislation, regulation and substantive policy relevant to fisheries in Ghana. The second step was a desk review of all the identified laws and policy relevant to fisheries and the Review of the fisheries law framework produced by Poseidon under the West Africa Regional Fisheries Programme¹ to tease out the institutional, legal and policy framework. The identified laws and policy were then benchmarked against the VGGT and SSFG to determine their alignment with the voluntary principles, identify gaps and propose recommendations on changes to the legislation.

The next step was to present the findings of the assessment and recommendations to relevant stakeholders with an interest in Ghana's small-scale fisheries sector, i.e. small-scale fisher associations (GNCFC, NAFPTA) and civil society organizations (CEWEFIA, DAA, EJJ, Hen Mpoano, Friends of the Nation, Oilwatch Ghana) for their review and comments. The Consultants then proceeded to draft suggested amendments to the 2002 Fisheries Act and 2010 Fisheries Regulations based on the recommendations adopted at the multi-stakeholder consultations.

CHAPTER TWO - INSTITUTIONAL FRAMEWORK FOR FISHERIES

1. Ministry of Fisheries and Aquaculture Development (MoFAD)

The Ministry of Fisheries and Aquaculture Development is the leading state institution responsible for fisheries in Ghana. MoFAD is headed by a Minister of State and assisted by a deputy minister. It has a chief director who is the administrative head of the ministry and advisor to the Minister. MoFAD has the following units/ directorates: Finance and Administration, Human Resource, Research, Statistics, and Information Management (RSIM), Policy Planning, Monitoring, and Evaluation (PPMED).

MoFAD's mandate entails producing and supervising government's policy on fisheries and aquaculture. The Minister for Fisheries has ministerial responsibility for the Fisheries Commission and a duty to give general directions in writing on matters of policy to the Fisheries Commission.²

2. Fisheries Commission

¹ Ccaud, P. and Sekor, E. (2015). Legal Framework Review: Final Report. Produced for the Minister of Fisheries and Aquaculture Development by a consortium of Poseidon, Innovative Services and GIMPA Consulting as part of the Legal, Operational & Organizational Framework to Enable Implementation of the Ghana Fisheries and Aquaculture Sector Development Plans component of the 'West Africa Regional Fisheries Project (WARFP)'

² Section 3 of the Fisheries Act, 2002 (Act 625)

The Fisheries Commission is one of the natural resources commissions provided for by the constitution³. It was established to regulate and manage the utilization of the fishery resources of Ghana and co-ordinate the policies in relation to them⁴. FC has a governing Council⁵ composed of 11 members including representatives from relevant line ministries, the industry and scientific research. It also has a secretariat headed by a director for the day-to-day management of the FC. FC has the following divisions: Marine Fisheries Management Division, Inland Fisheries Division, Fisheries Scientific Survey Division, Monitoring, Control and Surveillance Division and Finance and Administration Division.⁶

Specifically, FC's duties include: preparing plans for the management and development of fisheries; establishing priorities for the utilization of fishery resources; ensuring the proper conservation of the fishery resources; striving to minimize fishery gear conflict among users; ensuring the monitoring, control and surveillance of the fishery waters; promoting sub regional, regional and international co-operation in fisheries management; promoting co-operation among local fishermen and advancing development of artisanal fishing; making recommendations to the Minister on granting of licences for fishing and establishing requirements for manning fishing vessels and boats, safety for crew and vessels and for fishing gears in use to avoid damage by other vessels.

Act 625 sets up a number of committees to be appointed by the governing Council of the FC for the effective performance of its functions. Some key committees are briefly considered below:

2.1. Fisheries Licence Evaluation Committee

This committee is set up by the Act⁷ for the purpose of evaluating applications for fishery licences. The committee is made up of technical officers of the commission. It consists of five members of the Council, the secretary to the commission and one head of division. It meets as required to review applications lodged by fishing vessels.⁸

2.2. Fisheries Settlement Committee (FSC)

The fisheries settlement committee is made up of not less than three and not more than five members of the governing Council of the FC⁹. In practice, its membership extends beyond the scope of the Commission's membership and includes representatives of the marine police and a representative of the Attorney General's Office.¹⁰ Its duty is to hear and settle complaints from persons aggrieved in respect of any matter related to the fishing industry. In practice, the FSC also compounds offences under Act 625.¹¹ Two committees have been established, one in Tema and

³ Article 269 of the 1992 Constitution of Ghana

⁴ Section 2 of Act 625

⁵ While the Act makes reference to in Council, in practice it is called a Board.

⁶ Section 15 of Act 625

⁷ Section 11 of Act 625

⁸ Cacaud, P. and Sekor, E. (2015). Legal Framework Review: Final Report.

⁹ Section 10 of Act 625

¹⁰ Cacaud, P. and Sekor, E. (2015). Legal Framework Review: Final Report.

¹¹ Cacaud, P. and Sekor, E. (2015). Legal Framework Review: Final Report.

the other in Takoradi, to handle fisheries offences in the Eastern and Western parts of Ghana respectively.¹²

2.3. Fisheries Monitoring, Control, Surveillance and Enforcement Unit

Act 625 also sets up a Fisheries Monitoring, Control, Surveillance and Enforcement Unit (MCSE) unit. In law, MCSE is to be responsible for monitoring, control and surveillance of all fishing operations within the fishery waters and for the enforcement of legislation relating to fishing activities.¹³ MCSE is to comprise personnel from the Ghana Navy, Ghana Air Force, an attorney from the Ministry of Justice and the secretariat of the FC and other members as determined by the Minister for Fisheries. Despite this arrangement in law, no action was taken for many years after coming into force of the Act to set up the MSCE.¹⁴ In 2013, however, a committee comprising the Navy, the Marine Police, the Attorney Generals Office and the Fisheries Commission was formed to provide for the establishment of the MCSE Unit.¹⁵ The committee decided to form a Fisheries Enforcement Unit (FEU), which focuses primarily on enforcement actions¹⁶. The FEU is not an administrative unit of the Monitoring, Control and Surveillance Division of the Fisheries Commission and therefore not under its authority. Also, unlike as envisaged in Act 625 for the MCSE, FEU includes the marine police and does not include the Air force.

3. Environmental Protection Agency

The Environmental Protection Agency (EPA) has the primary duty of regulating the environment and ensuring the implementation of government policies on the environment, including the marine environment. EPA consists of three divisions: Operations, Technical Services and General Services which are further sub-divided into departments. The Environmental Assessment and Audit Department of the Environmental Compliance and Enforcement Division is mainly responsible for the EA-related functions.

EPA advises the Minister of Environment, Science, Technology and Innovation on the formulation of policies on all aspects of the environment including Ghana's marine and inland waters. It is EPA's duty to issue environmental permits and pollution abatement notices for controlling the volume, types, constituents and effects of waste discharges, emissions, deposits or other source of pollutants and of substances which are hazardous or potentially dangerous to the quality of the environment or any segment of the environment and ensuring compliance with any legislated Environmental Impact Assessment (EIA) procedures in the planning and execution of development projects, including compliance in the respect of existing projects.

¹² Cacaud, P. and Sekor, E. (2015). Legal Framework Review: Final Report.

¹³ Section 94 of Act 625

¹⁴ Cacaud, P. and Sekor, E. (2015). Legal Framework Review: Final Report

¹⁵ Cacaud, P. and Sekor, E. (2015). Legal Framework Review: Final Report.

¹⁶ Cacaud, P. and Sekor, E. (2015). Legal Framework Review: Final Report.

4. District Assemblies

Ghana is divided administratively to 254 districts. The districts are governed by the District Assemblies (DA) which are established by the Minister for Local Government. DA are the highest political authority in each district. The primary function of DAs is to promote local economic development. Though management of fisheries is not mentioned expressly as one of the functions of the District Assembly in the Local Governance Act, 2016 (Act 936), perhaps because fisheries management in Ghana is largely centralized, District Assemblies play an important role particularly in the management and regulation of artisanal fishing. Legislation¹⁷ gives the District Assemblies the mandate to register artisanal fishing vessels (canoes) but in practice, this mandate is not being performed by the DA. Currently, the Fisheries Commission is about to complete the registration of marine canoes and will commence licensing thereafter.¹⁸ Also the law requires that the Commission shall not issue a license unless the canoe has been registered through the relevant District Assembly¹⁹.

5. Ghana Standards Authority

The Ghana Standards Authority (GSA) is an Agency of Government responsible for developing, publishing and promoting standards in the country²⁰. The Ghana Standards Authority was enlisted on 1 July, 1998, as the Competent Authority to oversee the export of fish and fishery products to the European Union (EU).²¹

The Authority has a Fish Inspection Department with the primary focus on the registration of exporters of fish and fishery products and the inspection and approval of fishing vessels (demersal trawlers, tuna bait boats, purse seiners and reefers), fish processing plants, cold stores, ice making plants and landing sites.

Exporters intending to export fish and fishery products to the EU and other countries must register with the Department by completing a registration form and complying with the requirements of the Fishery Products Regulations obtainable from the GSA.

CHAPTER THREE - LEGAL FRAMEWORK FOR FISHERIES

1. Source of Law in Ghana

The 1992 Constitution of Ghana emphatically provides in its first article its supremacy. All Acts of Parliament and laws inconsistent with the Constitution are to the extent of the inconsistency a nullity. Article 11 of the Constitution sums up the sources of law in Ghana as: The Constitution; enactments made by or under the authority of Parliament; any Orders, Rules and Regulations made by any person or authority under a power conferred by the Constitution (subsidiary legislation); customary law; the existing law; and the common law.

¹⁷ Section 55 of Act 625.

¹⁸ Cacaud, P. and Sekor, E. (2015). Legal Framework Review: Final Report.

¹⁹ Section 52 of Act 625.

²⁰ Standards Authority Act, 1973 (NRCD 173)

²¹ <https://www.gsa.gov.gh/fish-inspection/>

Article 11 suggests the hierarchy of laws in Ghana. As indicated earlier, the Constitution is the supreme law of the land and operates as the pantheon of Authority. Article 1(2) of the 1992 Constitution emphasizes this where it states that any law found to be inconsistent with the Constitution will be declared void (paraphrased). Any law here being the other sources of law provided under Article 11, be they orders, rules, regulations, customs, international law or the common law.

Next in order of authority after the Constitution are the Acts of Parliament. Parliament plays the role of making legislation subject to the Constitution. These enactments further expound on the Constitutional provisions and provide regulations that govern the functioning of some governmental bodies. Subsidiary legislation falls next in line where the Constitution, and in some instances Parliament, delegates its function of law making to external bodies.

Ghanaian customary laws are not uniform. They are far spread and distinguishable from one part of the country to another. Ultimately these forms of law are regulated by the customary heads of the various ethnic groups or traditional area. They do not have as much force as enactment, however, and where they are found to be inconsistent or conflicting with the Constitution or other laws they are held as void.

Ghana identifies as a Commonwealth country and a dualist state in terms of its incorporation of international law. In this regard, Ghana is bound only by international laws and dictates that it has ratified, through the ratification process provided under article 75 of the Constitution.

For the purposes of this report, however, only the more concrete sources of law, that is the sources of law that can be readily identified in writing were utilized by the consultants. The consultants limited the scope of law to the 1992 Constitution, Acts of Parliament, subsidiary legislation and International laws ratified by Ghana. Customary law was excluded primarily because of its complex nature and its particularity to communities.

In Ghana, policies provide the framework through which the executive branch of Government indicates its intention in a particular area of national life. As they are merely guides to the actions of Government, they are generally not enforceable. For this work, the national policies in the three sectors of agriculture, protected areas and environmental assessment were identified but not assessed. However, in some instances, the existence of policies is used to explain some of the conclusions arrived at by the consultants.

2. International Instruments

Ghana is a signatory to the following international treaties: the International Convention for The Conservation of Atlantic Tunas (ICCAT), United Nations Convention on the Law of the Sea (UNCLOS), the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels On the High Seas (FAO Compliance Agreement), the Agreement for the Implementation of the Provisions of UNCLOS relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA) and the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA).

Ghana is also a member of the United Nations (UN), the UN Food and Agriculture Organization (FAO), the African Union (AU), the Economic Community of West African States (ECOWAS), the Committee

for Inland Fisheries and Aquaculture of Africa (CIFAA), the Fisheries Committee for West Central Gulf of Guinea (FCWC) and the Committee for Eastern Central Atlantic Fisheries (CECAF)

3. Domestic Legal Framework

As noted above, the sources of law in Ghana range from the 1992 Constitution, to Acts of Parliament and Legislative Instruments. A brief description of the existing local legislation for fisheries and related laws are given below:

3.1. The 1992 Constitution

The 1992 Constitution provides broadly for Ghana's legal regime and sets out the framework for government. Specifically, it provides for fisheries in Article 269 where Parliament is given a duty to, through an Act of Parliament, establish natural resources commissions including a Fisheries Commission. These natural resource commissions are to be responsible for the regulation and management of the utilization of the natural resources concerned and they are to co-ordinate policies that relate to them.

3.2. The Fisheries Act, 2002 (Act 625)

The Fisheries Act, 2002 (Act 625) came into force on 16th January, 2002. It has been amended by the Fisheries (Amendment) Act, 2014 (Act 880). Act 625 establishes the Fisheries Commission (FC) and provides for its structure, governance and mandates. It provides for the establishment of a Fisheries Development Fund, the licensing regime for fishing and fishing vessels, fishery plans, permitted fishing methods and conservation measures. It also provides for the detention, sale, release and forfeiture of the property of resource users and monitoring, control, surveillance and enforcement of the provisions of the Act.

Act 880 amends Act 625 to give effect to Ghana's international fisheries conservation and management obligations. It also empowers the Minister to make Regulations to combat illegal, unreported and unregulated (IUU) fishing in accordance with Ghana's international obligations and provides for related matters.

3.2.1. Fisheries Regulations, 2010 (L.I. 1968)

L.I 1968 was made pursuant to Act 625. It sets out the regulations and modalities for fishery plans, vessels, fishing nets, fishing devices and fishing. It also provides details for the process of acquiring licences for fishing and aquaculture.

L.I 1968 has been amended by the Fisheries (Amendment) Regulations, 2015 (L.I. 2217). The amendment introduces additional requirements and the procedure for the registration of fishing vessels as Ghanaian Fishing Vessels; the need for Ghanaian Vessels to notify the FC of any acquisition of a foreign fishing licence; the authorization of fishing vessels to fish outside of Ghana's waters; and verification of catch landings to combat IUU fishing. It also introduces the requirement for vessel owners to install and operate a vessel monitoring system. The amendment finally addresses Ghana's commitment to international cooperation to combat IUU fishing.

3.3. Environmental Protection Agency Act, 1994 (Act 490)

Act 490 establishes the Environmental Protection Agency (EPA), provides for its structure and functions. It gives EPA the primary mandate to protect and regulate activities in the environment. The Act sets up a framework for environmental impact assessments and gives the EPA the authority to demand impact assessments, issue environmental permits and certificates and enforcement notices. It also establishes the national environmental fund.

3.3.1. - Environmental Assessment Regulations, 1999 (L.I 1652)

L.I 1652 is a legislative instrument made pursuant to Act 490. It provides a list of activities that require either an environmental impact assessment or an environmental permit before commencement. It also gives the procedure, requirements and contents for a satisfactory environmental impact assessment report.

3.4. Ghana Maritime Authority Act, 2002 (Act 630)

The Act establishes the Ghana Maritime Authority (GMA) and gives it, in addition to other duties, the duty to collaborate with other public agencies for the prevention of marine source pollution and protection of the marine environment. The Act also provides for the Registrar of Ships to be appointed by the President. The Registrar of Ships is responsible for the registration of ships, fishing vessels and any other navigation vessels.

3.5. Local Governance Act, 2016 (Act 936)

Act 936 provides for the establishment of districts and district assemblies and their functions. The functions of district assemblies include coordinating, integrating and harmonizing the execution of programmes and projects under approved development plans for the district and other development programmes promoted by ministries, departments, public corporations and other statutory bodies in the district.²² Though management of fisheries is not mentioned expressly as one of the functions of the District Assembly because fisheries management in Ghana is largely centralized, District Assemblies are to play an important role particularly in the registration of artisanal fishing. Legislation²³ gives the District Assemblies the mandate to register artisanal fishing vessels (canoes) but in practice, this mandate is not being performed by the District Assemblies. Currently, the Fisheries Commission is about to complete the registration of marine canoes and will commence licensing thereafter.²⁴ Also the law requires that the Commission shall not issue a license unless the canoe has been registered through the relevant District Assembly²⁵.

3.6. Ghana Shipping Act, 2003 (Act 645)

The Ghana Shipping Act, 2003 (Act 645) provides for procedure and requirements for the registration of ships including fishing vessels; the register of ships and vessels and the identity marks for fishing vessels. It also provides for the requirements for a ship to qualify as a Ghanaian ship.

3.7. Standards Authority Act, 1973 (NRCD 173)

²² Section 12 of Act 936

²³ Section 55 of Act 625.

²⁴ Cacaud, P. and Sekor, E. (2015). Legal Framework Review: Final Report.

²⁵ Section 52 of Act 625.

The Standards Authority Act, 1973 provides for the establishment of an Authority that oversees the quality of goods and products in Ghana. As part of its functions in section 3 of the Act, it has created a Fish Inspection Department with the primary focus on ensuring standards of fish and fish products particularly for exports.

CHAPTER FOUR - LICENSING REGIME AND TENURE RIGHTS FOR FISHERIES

1. Registration of Vessels and Fishing Licences

Fishing vessels are required by law to be registered before they can undertake any fishing activity in Ghana's waters. After registration, a fishing licence must be obtained before the commencement of any fishing or related activity in the fishery waters.²⁶ For the purposes of registration and licensing, fishing vessels are classified as Foreign Fishing Vessels, Local Industrial and Semi-Industrial Fishing Vessels and Artisanal Fishing Vessels.

For Foreign Fishing Vessels and Local Industrial and Semi-Industrial Fishing Vessels, the Fishing Licences are issued by the Minister of Fisheries and Aquaculture Development. The application for the licence is made through the Fisheries Commission (FC)²⁷; which should be accompanied by the documents and information set out in the Fisheries Regulations, 2010 (L.I. 1968). The FC then recommends to the Minister for Fisheries whether or not to issue the licence applied for.²⁸

For Artisanal Fishing Vessels (Canoes), fishing licences are to be issued by the FC or by persons authorized by the Commission.²⁹ Legislation³⁰ gives the District Assemblies the mandate to register artisanal fishing vessels (canoes) but in practice, this mandate is not being performed by the District Assembly. Currently, the FC is about to complete the registration of marine canoes and will commence licensing thereafter.³¹ Also the law requires that the Commission shall not issue a licence unless the canoe has been registered through the relevant District Assembly³².

The specific requirements for registration and licensing for the various types of Fishing Vessels are considered in more detail below:

1.1. Local Fishing Vessels

A Local Fishing Vessel (LFV) is a fishing vessel registered in Ghana and owned/controlled by a citizen, the Government, or owned/ controlled by a company or partnership registered in Ghana which has its principal place of business in Ghana and the share[s] of which [are] beneficially owned wholly by the Government, a citizen, a public corporation established by law in the Republic or a combination of any of them.³³ For Tuna Fishing Vessels, the law allows for foreign participation but at least fifty percent of the shares in the vessel should be beneficially owned or controlled by the Government, a citizen, a public corporation established by law in the Republic or a combination

²⁶ Section 46 of Act 625

²⁷ Sections 69 to 80 of Act 625

²⁸ Section 70 of Act 625

²⁹ Regulation 27 of L.I 1968

³⁰ Section 55 of Act 625.

³¹ Cacaud, P. and Sekor, E. (2015). Legal Framework Review: Final Report.

³² Section 52 of Act 625.

³³ Section 47 of Act 625

of any of them.³⁴ Depending on their make-up, their capacity and activities, LFV fall under the following:

1.1.1. Local Industrial Fishing Vessel

A Local Industrial Fishing Vessel refers to a motor fishing vessel equipped with hydraulic equipment and uses industrial gears.³⁵ Industrial fishing vessels must be registered under the Ghana Shipping Act, 2003 (Act 645), and must be seaworthy and fit for the purpose of fishing before the grant of a fishing licence. The vessel must also bear identity markings allocated to the vessel by the Registrar of Ships before it can be issued with a fishing licence.³⁶

1.1.2. Local Semi-Industrial Fishing Vessel

A Local Semi-Industrial Fishing Vessel refers to a motor fishing vessel powered by an inboard engine³⁷. Semi-industrial fishing vessels must be registered under the Ghana Shipping Act, 2003 (Act 645), and must be seaworthy and fit for the purpose of fishing before the grant of a fishing licence. The vessel must also bear identity markings allocated to the vessel by the Registrar of Ships before it can be issued with a fishing licence.³⁸

1.1.3. Artisanal Fishing Vessel (Canoes)

Canoes refer to a planked dugout or a fabricated vessel which is propelled by means of sails, oars, paddles, poles, outboard engine or a combination of any of them.³⁹ Canoes are required to be registered with the Fisheries Commission through the District Assembly of the area where it is to be used. They are also required to bear the markings of identity allocated to by the District Assembly of where it is to operate.⁴⁰

Canoes are required to also obtain fishing licences, after registration, before they can engage in artisanal fishing activities. However, this licensing regime has not been established in practice.⁴¹ Artisanal fishing is defined in law as the traditional canoe fishing carried on by a citizen.⁴² For the grant of an Artisanal Fishing Licence by the Fisheries Commission, the canoe must be solely owned by a citizen or a partnership/ company registered in Ghana in which the shares are beneficially held by a citizen.⁴³ The application for the licence is also to be made to the Commission through the District Assembly of the locality where the applicant intends to operate the canoe.⁴⁴

³⁴ Section 47 of Act 625

³⁵ Section 140 of Act 625

³⁶ Section 49 of Act 625

³⁷ Section 140 of Act 625

³⁸ Section 49 of Act 625

³⁹ Section 140 of Act 625

⁴⁰ Section 55 of Act 625

⁴¹ Cacaud, P. and Sekor, E. (2015). Legal Framework Review: Final Report.

⁴² Section 140 of Act 625

⁴³ Section 52 of Act 625

⁴⁴ Sections 52 and 55 of Act 625

The law gives the FC a specific duty to promote and protect artisanal and semi-industrial fishing.⁴⁵ The FC is required to register artisanal fishing vessels; encourage the establishment and development of fishing, processing and marketing co-operative societies; establish reserved areas for fishing activities by artisanal and semi-industrial fishing vessels; and ensure that fishing rights are allocated in priority to artisanal and semi-industrial vessels.

1.2. Foreign Fishing Vessel

A Foreign Fishing Vessel (FFV) has been defined as any fishing vessel other than a local industrial or semi-industrial fishing vessel or a canoe.⁴⁶ FFVs are to be registered in accordance with the law of its flag state⁴⁷. They are also to obtain a certificate of seaworthiness by the competent authority or by the International Association of Classification Societies.⁴⁸

A registered FFV requires a fishing licence issued by the Minister of Fisheries or an authorization under an agreement between the Government of Ghana and the country under which it is registered before it can undertake any fishing activities in Ghana.⁴⁹ The licence may only be issued to a FFV under an access arrangement⁵⁰ made under the Act.

The access agreement must specify the allowable allocation of fish and this must not exceed a level consistent with conservation and management of fishery resources, the national fishery plan and must provide for the protection of local fishermen.⁵¹ The access arrangement must also provide for measures by the foreign party to ensure compliance with applicable laws, the regulation of transshipment of fish and the issuance of licences and payment of fees.⁵²

However, in the absence of an access agreement, the Minister may issue a licence to a FFV on the recommendation of the Fisheries Commission board for fishing and related activities.⁵³

Further requirements for a fishing licence for a FFV are that it may be required to appoint a local agent in Ghana to receive and respond to legal processes in respect of its activities if there is no Ghanaian ownership or shareholding in the FFV.⁵⁴ The Minister may also require the applicant or authorized agent of a FFV to post a performance bond which may be applied for the payment of a fine, penalty etc.⁵⁵

⁴⁵ Section 51 of Act 625

⁴⁶ Section 140 of Act 625

⁴⁷ Section 63(4) of Act 625

⁴⁸ Section 63(4) of Act 625

⁴⁹ Section 61 of Act 625

⁵⁰ Section 63 (1) of Act 625

⁵¹ Section 64 of Act 625

⁵² Section 64(3) of ACT 625

⁵³ Section 63(3) of Act 625

⁵⁴ Section 67 of Act 625

⁵⁵ Section 68 of Act 625

2. Aquaculture and Recreational Fishing

A permit or licence is required for an aquaculture project or recreational fishing.⁵⁶ Application for a permit is to be received by the FC. The application must be accompanied by an Environmental Impact Assessment (EIA).⁵⁷ The FC then recommends to the Minister for Fisheries whether or not to issue the licence applied for.⁵⁸ The grant of the licence is conditional upon the grant of an environmental permit by the Environmental Protection Agency.⁵⁹ Where applicable, the applicant must obtain the necessary approvals from the Water Resources Commission before commencement of the aquaculture project or recreational fishing.⁶⁰

The licence for aquaculture/ recreational fishing must specify the organism to be farmed and is transferable only on the authorization of the Minister upon recommendation of the governing council of the FC.⁶¹ Furthermore the transfer of live fish within Ghana is subject to the grant of a permit by FC.⁶² Similarly, fish breeding is contingent upon the grant of a permit by the FC.⁶³

3. Authorizations for marine scientific research and trial fishing

In the absence of an access arrangement, the Minister for Fisheries may, on the advice of the governing board, authorize marine scientific research or trial fishing operations. The authorization must be in writing and should specify conditions determined by the Minister.⁶⁴

CHAPTER FIVE – RECOMMENDATIONS FROM BENCHMARKING MATRIX⁶⁵

This chapter summarizes recommendations of amendments in legislation and policy after the laws and policies relevant to fisheries had been benchmarked against the VGGT and SSFG to determine their alignment with the voluntary principles. The recommendations are presented under eight themes and are categorized under changes to policy and changes to legislation.

1. RECOGNIZE AND RESPECT TENURE RIGHT-HOLDERS AND THEIR RIGHTS

Land, fisheries and forests are central to the general development of a State. In this vein, it is necessary that legitimate tenure right-holders are protected and their rights are not infringed upon or extinguished. There should be safeguards that will ensure that the holders of the rights as well as the rights themselves are protected and also that these tenure right-holders have full knowledge of their rights and the duties that come with these rights.

⁵⁶ Section 60 of Act 625 and Regulation 52 of L.I.1968

⁵⁷ Section 60(1) of Act 625

⁵⁸ Section 70 of Act 625

⁵⁹ Regulation 52 of L.I. 1968

⁶⁰ Regulation 52 of L.I 1968

⁶¹ Section 60 of Act 625

⁶² Regulation 56 of L.I 1968

⁶³ Regulation 59 of L.I 1968

⁶⁴ Section 65 of Act 625

⁶⁵ Complete matrix of the benchmarking of Ghanaian law and policy against VGGT and SSFG attached as APPENDIX 1

In connection with the identified laws and policy as benchmarked against the VGGT and SSFG, the following are recommended as a way to align the Ghanaian legal regime to the principles in the VGGT and SSFG.

Recommendation for policy changes

- a) Recognition of the dependence of certain communities on fish resources for their livelihoods, and of the right of these communities to continue to engage in fisheries.
- b) Subject the right to fish, including small-scale fishing (SSF), to principles and approaches applicable to all fisheries, including sustainable use, the ecosystem approach to fisheries and the precautionary approach.
- c) Clarification of the role of the District Assembly with regard to SSF, including registration and licensing.
- d) Clarification of the relationship between the licensing and registration procedures for SSF and the powers of local government, to ensure that local government powers are compatible with the provisions of the Fisheries Act.
- e) Clear statement of intent to ensure that SSF tenure rights and informal rights are recognized, identified and recorded in a transparent and fair manner.
- f) Recognition of the need to identify and allocate specific user rights to SSF communities, such as territorial user rights and community-based catch quotas, and the need to establish clear allocation mechanisms.
- g) Recognition that transferability of use rights for SSF is necessary for the protection of livelihoods under certain circumstances.
- h) Recognition of the need to develop mechanisms, in conjunction with relevant authorities, to facilitate the granting of preferential access to landing sites and land on which on-shore fish processing facilities are situated to fishers, especially small-scale, who depend on them.
- i) Recognition of the need to ensure access to traditional fishing grounds and related resources is protected, and that alternative access solutions must be found where access is limited by other developments, and damages paid if this is not possible.
- j) Recognition of the need for involvement of women in all decision-making and management processes that affect them and for the provision of mechanisms that facilitate their involvement including: representation and membership of advisory boards, explicit references to involvement of women in co-management arrangements, reference to women as stakeholders to be consulted in the development of fishery management plans.
- k) Statement that supports the applicability of human rights principles, and constitutional rights in the context of SSF.

Recommendation for legislative changes

Inshore Exclusion Zone

- a) Clarification and extension in law of the IEZ boundary to reflect current pattern of fishing activities by the artisanal and semi-industrial fleets.
- b) Provision of legal limits to and circumscribe the discretion given to the Fisheries Commission to authorize large semi-industrial vessels to enter the IEZ.

- c) Clarification that the specific activity which, in exceptional circumstances, may be authorized by the Commission to take place in the IEZ be limited to the capture of cephalopods.
- d) Requirement for the Commission to publish authorizations granted to carry out activities within the IEZ stating the period of the authorization and the permissible activities.
- e) Specification of the use rights for each of the categories of fisheries having access to the IEZ, including applicability of conservation and management measures (e.g. applicability of fishing seasons, gear specifications, species restrictions, etc.)

Registration and licensing

- f) Clarification of requirements/procedure for registration and, if relevant, licensing of artisanal canoes, including grounds for approving or refusing an application, obligation to provide in writing the grounds for refusal of registration/licensing and provision for reviewing decisions and appeals.
- g) Specification of the allowed use of registered vessels, including the conditions under which registered vessels may be transferred, and implications of change of ownership.
- h) Clarification of the entity that has the mandate to register canoes and issue fishing licences and the functions devolved to the District Assemblies.
- i) Provision for the establishment of a transparent and accessible record of registered vessels, with clear procedure for how to access such records.
- j) Provision for public access to information on allocation mechanisms to SSF.

User rights

- k) Specification of the user rights that registration and/or licensing secures, including access to the IEZ.
- l) Provision of powers to decide or to devolve the decision to introduce user rights that benefit SSF communities, including territorial user rights.
- m) Provision for recording of access to fishing grounds and use of specific landing sites and on-shore facilities at registration.
- n) Specification of the right to transfer use of artisanal fishing vessels/licences.
- o) Requirement for District Assemblies with fishing communities to designate and own areas as public landing sites and to regulate their exclusive use as artisanal landing sites for locals and displaced communities.

Gender

- p) Explicit requirement for the inclusion of a representative of women's associations (fish processors and traders) in the Fisheries Commission Board.
- q) Inclusion of specific provision to ensure fisheries legislation is consistent with national gender policies.
- r) Explicit provision that the Fisheries Development fund should be applied to provide technical and financial assistance to women in fisheries.
- s) Provision to allow women access to fishing resources and to register vessels.

Participation and preferential access

- t) Requirement for parliamentary approval of licences/ fisheries rights issued to large industrial vessels and foreign vessels.
- u) Specification that in preparing the fishery plan, equitable access by all stakeholders and redistributive reform should be guiding principles

2. SAFEGUARD LEGITIMATE TENURE RIGHTS AGAINST THREATS AND INFRINGEMENTS

In recognizing or allocating tenure rights, the State needs to establish safeguards, which prevent the infringement of tenure rights. The State needs to ensure that all actions taken to implement such safeguards are in line with their existing obligations under national, regional and international laws.

Recommendation for policy changes

- a) Description of effective mechanisms for involvement of SSF stakeholders in decision-making processes related to the protection of their tenure rights.
- b) Recognition of the need to establish a new advisory body through which representatives of stakeholder groups are consulted and involved in management planning and decision-making, including explicitly representatives of SSF and women's groups.
- c) Specification of cases in which the advisory body is heard, for example in the development of fisheries management plans, policies, legislation and conclusion of access agreements. Recognition of circumstances where the advice of the advisory body should be binding or collective agreements on fisheries management required.
- d) Recognition of the potential negative effect of access agreements on fishing opportunities of SSF, and statement that mechanisms need to be found to ensure that the interests of SSF are taken into consideration before access agreements are concluded.
- e) Recognition of the potential negative effect of certain large-scale developments that affect the marine environment on fishing opportunities of SSF, and statement that mechanisms need to be found to ensure that interests of SSF are taken into consideration before such large-scale developments are authorised to ensure that appropriate mitigation measures are taken.
- f) Recognition of need to provide process for meaningful compensation in case of damage/ infringement of legitimate tenure rights, including in the form of material compensation that benefits communities as a whole, e.g. building of schools, education, establishment of processing facilities and obligation to process share of catches in these facilities.
- g) Recognition of the need to ensure that appropriate, transparent and accessible support is provided to SSF to develop their capacities to protect legitimate SSF rights.
- h) Recognition of the importance of strengthening judicial training and negotiation support to SSF in the context of involvement of SSF representatives prior to large-scale investments/access agreements being agreed.

Recommendation for legislation changes

- a) Specification that membership of the Fisheries Commission board should include civil society organization, women's association and SSF representatives.
- b) Specification of the situations in which the Commission board (or the new stakeholder advisory body) must be consulted (e.g. development of fisheries management plans, policies, legislation and conclusion of access agreements), and where binding advice or collective agreements on fisheries management are required. Clarify procedure for developing advice by advisory body.
- c) Provision of specific task of the Fisheries Commission to provide capacity development and support access to justice, targeting SSF and related sectors, including express reference to women. Funding to enable this could be generated through registration/licence fees or taxes on SSF revenues.
- d) Requirement for the Fisheries Commission to publish or give notice of all applications for fishing licences submitted by operators of industrial and foreign vessels. Establishment of a mechanism for the provision of inputs from stakeholders and for such inputs to be taken into consideration in deciding whether or not to grant the licence.
- e) Express requirement for parliamentary approval for the allocation of licences/ fishing rights to large industrial vessels and foreign vessels, or for the exploitation of fishery resources of a specified magnitude.
- f) Provision for mandatory consultation of potentially affected stakeholders prior to concluding fishing access agreements and other large-scale developments that may affect SSF, and specification of procedure for consultation/involvement of stakeholders.
- g) Clarification of the situations for which Fisheries Impact Assessments should be mandatory, including provisions on public hearing, access to information and stakeholder participation in the process. Alternatively, provision of legal requirement for the Fisheries Commission to elaborate guidelines to assess fisheries impacts as part of the EIA process.

3. SUSTAINABLE DEVELOPMENT AND TENURE RIGHT-HOLDERS

There is a need to adopt long-term conservation measures which will ensure the continuity of an ecological foundation for food production with reference to the fisheries sector. Rights come with responsibilities and it is crucial to put in place appropriate management systems which are consistent with the obligations of those who are engaged in fisheries management, of which the biggest players will be tenure right-holders.

Recommendation for policy changes

- a) Statement that, despite the special position of SSF, these fisheries must be in accordance with the ecosystem approach and precautionary approach to ensure sustainable practices.
- b) Specific reference to ensuring that traditional practices that are consistent with responsible fisheries are maintained.
- c) Recognition of the need to establish mechanisms to facilitate involvement of SSF in management decisions that affect them, including through: development of advisory groups; insertion of obligations to hear SSF and other stakeholders in relevant decision-making processes.
- d) Recognition of the need to provide training and support to SSF communities to effectively represent their interests and be involved in the management and policy decision processes that

may affect their livelihoods, possibly with the support of SSF representatives within the advisory body.

- e) Recognition of co-management as the preferred management option through the involvement of, where possible, SSF communities in the co-management of resources on which they depend for their livelihoods.
- f) Statement of the need to develop adequate measures to address over-capacity in the fisheries sector, including for SSF, although negative effects on livelihoods of SSF should be mitigated.
- g) Recognition of the role of SSF in MCS, including their positive contribution, and in providing data for MCS and catch statistics.
- h) Recognition of the need to facilitate the registration of canoes and provision of documentation and of MCS data, by calling for the development of simplified and accessible systems.

Recommendation for legislative changes

- a) Provision of obligation that all fisheries, including SSF, are carried out and planned in accordance with the principles and approaches supporting the conservation and sustainable use of the resources, and that access is regulated by way of such principles as the precautionary approach and ecosystem approach to fisheries.
- b) Specific reference that traditional practices must be taken into consideration, but will be subject to principles of sustainable management, including the ecosystem and precautionary approach.
- c) Explicit reference to involvement of advisory body, which should include a representative of, among others, SSF interests, in the development of management strategies and decisions over resources that affect the livelihoods of SSF.
- d) Provision for mandatory hearing and participation of SSF and other stakeholders potentially affected by future decisions and management plans.
- e) Provision of specific task of the Fisheries Commission to provide training and support to SSF communities to effectively represent their interests and be involved in the management and policy decision processes that may affect their livelihoods.
- f) Provision for processes to obtain compensation for SSF in case development and management decisions unnecessarily affect their livelihoods.
- g) Explicit obligation on the Fisheries Commission to address over-capacity in the fisheries sector, including by developing national plans of action to address over-capacity, carrying out capacity assessments and analysis of actions to be taken, and developing effective and complete fishing vessel records.
- h) Requirement for the Fisheries Commission to consult with civil society organizations focused on fisheries, SSF associations and women groups in the preparation of fishery plans.
- i) Provision for the general public or concerned groups to submit concerns to the Fisheries Commission during the preparation of fishery plans and for these concerns to be taken into consideration in the finalisation of the plan.
- j) Specification of the life span of each fishery plan and procedure for its regular review and revision.

- k) Provision of mandate to the Minister for Fisheries to make regulations that provide for the development and establishment of co-management arrangements, structures and mechanisms.
- l) Explicit description of the process through which co-management arrangements must be developed, including setting up of a co-management structure/body, and provision of suggested duties and responsibilities including in relation to limitation of access and measures to be taken in case of non-compliance.
- m) Obligation to agree the co-management conditions with affected SSF communities, if co-management is possible, prior to initiating co-management.
- n) Obligation for the Commission to take into consideration the interests of SSF communities in relation to shared stocks when deciding on shared management arrangements with neighbouring states, and to involve SSF communities in the negotiation process and co-management arrangements if their interests are affected.
- o) Provision of legal basis for SSF to contribute to MCS, including reporting on sightings of unregistered vessels engaged in fishing, and of vessels engaged in IUU fishing activities, and obligation on SSF to provide data for MCS and catch statistics.
- p) Establishment of a functioning register of SSF vessels, including recognition and registration of activities that the vessels may legitimately engage in.

4. SOCIAL DEVELOPMENT, EMPLOYMENT AND DECENT WORK

A State thrives on social development and employment. Consideration should be given to integrated, ecosystem and holistic approaches to SSF management and development. These approaches should take into account the complexity of livelihoods. All parties should be involved in the protection of human rights and the dignity of SSF stakeholders.

Recommendation for policy changes

- a) Explicit recognition of representative organisations of stakeholder groups, including for SSF, in the representation of stakeholder interests, including in relation to the advisory body/Council.
- b) Recognition of the importance of professional and organisational organisation of SSF, and recommendation to develop ways to facilitate the establishment of such organisations, including by recognising their existence and by involving their representatives in decision-making and co-management processes, on the basis of principles of transparency, accountability, representativeness, equity and non-discrimination.
- c) Policy recognition that occupational health and unfair working conditions may be/are an issue in the country. Statement that an assessment of the situation must be made and that measures to address the issue should be developed, with involvement of relevant stakeholders and organisations.

Recommendation for legislative changes

- a) Legislation recognizing the process by which representatives of SSF organisations are selected, their duties and responsibilities, including selection of representatives through a transparent process, focusing on capacities, and fair selection procedures, procedure for ensuring the

representatives engage in stakeholder hearings and sharing of information, documentation of process, accountability of representatives for duties and responsibilities, and training and remuneration.

- b) Explicit reference to obligations in relation to occupational health, labour standards and working conditions in the context of issued licenses and authorisations.

5. GENDER EQUALITY

Gender equality is fundamental to development. Policies and laws that secure tenure rights should not be discriminatory or gender biased so that there is the recognition of the vital role both women and men play in the fisheries industry. There is also the need for States to comply with their obligations under international human rights law to implement policies and measures which give recognition to gender equality.

Recommendation for policy changes

- a) Recognition of the need to ensure gender equity in the application of the legislation and reference to specific mechanisms to ensure gender equity, including by involvement of women in advisory boards, in co-decision-making and in co-management of resources.
- b) Recognition of the need to include a representative of women's interests in the advisory body, to be involved in the development of management strategies and decisions over resources that affect the livelihoods of women, especially those in SSF communities.
- c) Explicit reference to the need to address discrimination, including against women, in the application of the law, in accordance with international instruments.
- d) Statement that recognizes and promotes the implementation of international instruments to address discrimination against women and other human rights in the context of fisheries.
- e) Policy addresses the need for training and support for women to effectively represent their interests and be involved in the management and policy decision processes that may affect their livelihoods, possibly with the support of the women's representative within the advisory body.
- f) Provision of a clear intention and mechanism to facilitate the involvement of women in management of SSF, especially where related to or affecting retail.

Recommendation for legislative changes

- a) Reference specific actions to be taken to ensure gender equity in the application of the legislation including the inclusion of a representative of women's interests in the advisory body, the organizational development of women's interests and their recognition, and support in capacity building specifically targeting women
- b) Requirement for the mandatory hearing and participation of women and other stakeholders potentially affected by decisions and management plans.
- c) Explicit provision for processes to obtain compensation for SSF, including women, in case development and management decisions unnecessarily affect their livelihoods.
- d) Requirement that the Fisheries Development fund be applied to provide technical and financial assistance to women in fisheries.

- e) Provision to allow women access to fishing resources and to register vessels.

6. NATURAL DISASTER RISKS AND CLIMATE CHANGE

The State must recognize that combating climate change, including in the context of sustainable SSF, requires urgent and ambitious action. The State should take into consideration the differential impact of natural and human-induced disasters as well as climate changes on fisheries. It is therefore necessary that the State develops policies and plans which will address climate change in fisheries, in particular strategies for adaptation and mitigation, as well as for building resilience, in full and effective consultation with fishing communities.

Recommendation for policy changes

- a) Policy requiring measures related to climate change adaptation support to take into consideration needs and interests of SSF.
- b) Reference to taking into consideration needs and interests of SSF communities in the development and application of emergency response and disaster risk management strategies.

Recommendation for legislative changes

- a) Explicit reference to the need to ensure that stakeholder representatives of SSF interests are heard and involved in the development of climate change adaptation strategies, based on data on the SSF sector and the way climate change adaptation may affect their livelihoods.
- b) Explicit reference in measures related to climate change adaptation support to take into consideration needs and interests of small-scale fishers.

7. POLICY COHERENCE, INSTITUTIONAL COORDINATION AND COLLABORATION

A single body cannot take up the role of ensuring a sustainable, equitable and efficient fisheries sector. In this regard, it will be necessary for the state to give recognition to the need for coherence across policies and institutions, for example with planning and tourism authorities, and between the Fisheries Commission and the Petroleum Commission with regard to oil and gas exploration and installations. Further, the institutions that work within the fisheries sector need to coordinate and collaborate with each other. This will ensure development is comprehensive and sustainable.

Recommendation for policy changes

- a) Statement that SSF and customary tenure systems need to be considered and communities need to be involved in integrated practices such as integrated coastal zone management.
- b) Policy addressing long-term vision for sustainable fisheries, including SSF, and the eradication of hunger, based on the ecosystem approach to fisheries and other responsible fisheries measures.

Recommendation for legislative changes

- a) Explicit provision to ensure consideration and where possible application of spatial planning and integrated coastal zone management.
- b) Provision for cross-sectoral stakeholder consultations possibly through the establishment of a dedicated body (e.g. as a sub-body of the advisory body/council) in which multi-sectoral interests are represented or through ad hoc arrangements, depending on frequency.

8. ACCESS TO JUSTICE

Providing effective and legitimate ways to settle disputes or grievances is an important factor in protecting legitimate tenure rights and one of the key functions of the law. In this regard, it is important that the state provides access through impartial and competent judicial and administrative bodies to timely, affordable and effective means of resolving such disputes and grievances, as well as effective remedies and a right to appeal.

Recommendation for policy changes

- a) Recognition of the need to ensure and facilitate that all resource users, in particular SSF, and vulnerable and marginalised people have access to judicial and administrative bodies to resolve disputes.
- b) Recognition of the need to establish a specialised court for fisheries and related matters to improve efficiency and effectiveness of justice delivery.

Recommendation for legislative changes

- a) Provision of effective and informal dispute settlement mechanisms to ensure that all resource users, in particular SSF, and vulnerable and marginalized people, have access to judicial and administrative bodies to resolve disputes. This may include the establishment of a dedicated tribunal or body to deal with SSF tenure rights disputes and related matters.
- b) Establishment of a specialized magistrate court for fisheries and related matters to SSF to improve the efficiency and effectiveness of justice delivery.
- c) Provision of obligation to negotiate compensation for losses in fishing opportunities for those who depend on fishing for their livelihoods as a result of human interventions.

CHAPTER SIX - CONCLUSION AND LEGISLATIVE PROPOSALS

This report consists of a desk review of all identified laws and policy relevant to fisheries and a review of the fisheries law framework as benchmarked against the VGGT and SSFG to determine alignment with the voluntary principles, identify gaps and propose recommendations on changes to the legislation.

The report also incorporates comments from stakeholders into the desktop findings, recommendations and suggested amendments to the 2002 Fisheries Act and 2010 Fisheries Regulations in a final report.

In particular, draft legislative proposals streamlined and targeted to the various legislative recommendations are provided taking account of the broad framework of the Ghana legal system. In the attached table, Appendix 2, these proposals are presented in a tabular form where the legislative proposals are matched with their corresponding recommendation and the current state of the law.

APPENDIX I: BENCHMARKING MATRIX OF SSFG AND VGGT TO GHANAIAN LAW

Ref.	Key elements addressed in policies and law	Ref to national legislation or policy	Recommendations for improvement of implementation
I. RECOGNIZE AND RESPECT TENURE RIGHT-HOLDERS AND THEIR RIGHTS			
5.4. SSFG	1. Policies/laws formally recognise legitimate SSF tenure rights (e.g. related to access to/ownership of resources and areas).	<p><u>2002 Fisheries Act:</u></p> <ul style="list-style-type: none"> ● Act provides specific recognition to artisanal and semi-industrial fisheries. ● Artisanal (Section 52) and semi-industrial (Section 46) fisheries both subject to licensing obligations. However according to Section 51(1)(c), the Council may recommend that these activities be exempted from such requirements for a defined period. ● Section 57 sets out the circumstances in which an artisanal canoe licence may be transferred to another person (vessel of equal dimensions and characteristics, operating in same locality) ● According to Section 55, artisanal vessels must be registered by the District Assembly of the area where the vessel is to be operated. ● Section 81 establishes Inshore Exclusion Zone (IEZ) reserved for canoes, small semi-industrial vessels and recreational vessels (six nautical miles or 30 metre isobath, whichever is farther). Section 51(2) provides that the Commission shall not establish concessionary areas within the IEZ for activities not permitted under this Act. ● The Fisheries Commission is given a duty in Section 2(g) to promote cooperation among 	<p><u>Policy</u></p> <ul style="list-style-type: none"> ● Recognition of the dependence of certain communities on fish resources for their livelihoods, and of the right of these communities to continue to engage in fisheries, subject to principles of sustainable use and with due regard for the ecosystem approach to fisheries and the precautionary approach. ● Clear statement of intent to support small-scale fishers in continuation of their fishing activities, especially if they depend on them for their livelihoods, as long as they are in line with the ecosystem approach to fisheries, precautionary approach and sustainable use of resources. <p><u>Legislation</u></p> <ul style="list-style-type: none"> ● Clarification and possible extension of IEZ boundary to assist implementation and reflect current pattern of fishing activities by artisanal and semi-industrial fleet. ● Clearly provide that the specific activity which, in exceptional circumstances, may be authorised by the Commission to take place in the IEZ be limited to the capture of cephalopods. ● Legislation should be amended to require the FC to publish such permits to capture cephalopods (to carry out activities within the IEZ) stating the period of such permits and the permissible activities.

local fishermen and advance development of artisanal fishing.

- Specific provision on development of artisanal fishing (Section 51 (1)): The Commission shall “take the action that it considers necessary to protect and promote artisanal and semi-industrial fishing”, including “the giving of priority to artisanal and semi-industrial fishing in the allocation of fishing licences or quotas”.
- The fishery plan to be developed by the FC must specify the measures to be taken to promote the development of the local fishing enterprises, both industrial and artisanal, and must also take into account relevant artisanal fishing methods (Section 43 of Act 625)
- The Act gives the Minister for Fisheries the mandate to, on the advice of the Fisheries Commission, make further provisions for regulating artisanal fishing (Section 59).
- Section 36 provides that the Fisheries Development Fund shall be applied to provide assistance to small-scale fishery co-operative enterprises.

2011-2016 FASDP:

- Stated priorities of the Plan are to address fishing effort and capacity in the industrial and semi-industrial sub-sectors, and improve profitability in the canoe and artisanal sectors. “There is therefore a presumption in this plan that the canoe sector will remain the heart of the Ghana fishing industry”.

- Specify that access to the IEZ is subject to the vessel being registered (and, if relevant, licensed).
- Elaborate requirements for registration and, if relevant, licensing of artisanal canoes.
- Specify particular user rights provided through act of registration and/or licensing.
- Specify right to transfer use of artisanal fishing vessels/licences.
- Clarify functions devolved to District Assemblies with respect to the licensing of canoes.

	<p>2. Policies/law formally identify and record legitimate SSF tenure rights</p>	<p><u>2002 Fisheries Act</u></p> <ul style="list-style-type: none"> ● Section 55 provides that artisanal fishing vessels shall be registered by the District Assembly of the area where the vessel is to be operated. The vessel shall be allocated a registration number. ● Artisanal (Section 52) and semi-industrial (Section 46) fisheries are both subject to licensing obligations. However according to Section 51(1)(c), the Council may recommend that these activities be exempted from such requirements for a defined period. ● Section 52 requires canoes to be registered by the relevant District Assembly before licensing, and to bear the identifying mark allocated by the Commission. ● Applications for licences must be made to the Commission but may be routed via the District Assembly (Section 53). The Council shall determine the information that should be submitted. Section 54 provides that the licence shall specify the period of validity of the licence, indicate the activity for which the licence is issued, and state the markings and identity of the canoe. ● Section 57 provides that a licence issued for a canoe may be transferred to another person, where the canoe to which the licence is transferred is of equal dimensions and characteristics, and is to be operated at the same locality. ● Under Section 58, the Council may, on the conviction of a licensee for a prohibited act, recommend to the Minister to cancel, vary or 	<ul style="list-style-type: none"> ● Specification of registration procedure: <ul style="list-style-type: none"> ○ responsible office for submission of registration applications; ○ conditions to be met by applicant; ○ conditions in respect of the vessel; ○ number of vessels that may be registered by one user; ○ duration of registration; ○ transferability of registered boats and the effect on the registration; ○ use by others of registered boats. ● Establishment of a transparent record of registered vessels, and specification of the accessibility of the record. ● Recording of access to fishing grounds and use of specific landing sites and on-shore facilities at registration. ● Specification of the rights that registration secures: <ul style="list-style-type: none"> ○ access to fishing waters; ○ extraction of (certain) resources; ○ use of the vessel; ○ prohibited use (e.g. support to industrial vessels) ● Make access to fishing in the IEZ subject to the obligation of registration of the vessel (and, if relevant, licensing). ● Legislation should be amended to specify expressly which entity has the mandate to issue fishing licences. ● Clarification of the role of the District Assembly with regard to licensing. ● Provision for establishment of register of licensed vessels, specifically including artisanal vessels, including details of licensed activity, vessel or person licensed,
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		<p>suspend a licence, or disqualify a licensee from being granted a fishing licence, or introduce licensing conditions.</p> <ul style="list-style-type: none"> ● According to Section 79, the Commission shall maintain a register of licences issued under the Act, with information on the vessel, person or project licensed, the nature of the activity licensed, the period of validity of each licence and any additional information as determined by the Council. However, the Act does not specify whether and how this information can be accessed. There is no provision requiring the District Assemblies or Commission to establish a record of registered vessels and make this record accessible. ● The Act establishes an Inshore Exclusion Zone (IEZ) reserved for canoes, small semi-industrial vessels and recreational vessels (six nautical miles or 30 metre isobath, whichever is farther). Section 51(2) provides that the Commission shall not establish concessionary areas within the IEZ for activities not permitted under this Act. There is no provision that excludes artisanal fishing vessels from fishing outside of the IEZ. There is a general indication of use rights in the fisheries waters of Ghana for artisanal fishing vessels, and an exclusive use right for artisanal (recreational and small semi-industrial) vessels in the IEZ. 	<p>and the period of validity of the licence. Specify the accessibility of that register.</p> <ul style="list-style-type: none"> ● Clarification and possible extension of IEZ boundary to assist implementation and reflect current pattern of fishing activities by artisanal and semi-industrial fleet. ● Clearly provide that the specific activity which, in exceptional circumstances, may be authorised by the Commission to take place in the IEZ be limited to the capture of cephalopods. ● Clear statement of intent to ensure that SSF tenure rights, and informal rights, are recognised, identified and recorded in a transparent and fair manner.
	<p>3. Policies/law consider SSF tenure rights in relation to related resources (land adjacent to fishing/landing sites)</p>	<ul style="list-style-type: none"> ● The 2002 Fisheries Act and 2010 Fisheries Regulations do not explicitly address this issue. <p><u>2002 Fisheries Act</u></p>	<ul style="list-style-type: none"> ● A provision could be considered to provide that the Commission shall develop mechanisms, in conjunction with relevant authorities, to facilitate the granting of preferential access to landing sites and land on which on-shore fish processing facilities are situated to fishers

- Section 51 provides that the Commission shall “take the action that it considers necessary to protect and promote artisanal and semi-industrial fishing”, including promotion of the development of artisanal fishing landing facilities.
- Furthermore, Section 43(c) provides that the fishery plan to be developed by FC should specify the measures to be taken to promote the development of the local fishing enterprises, both industrial and artisanal.

2010 Fisheries Regulations

- Regulation 54 provides that the Commission may refuse to approve an aquaculture establishment if it is not in the public interest. However, no further guidance is provided in the legislation as to what this might include in practice.

Draft co-management policy

Provides that local government may support co-management by:

- Incorporating the needs of fisher folk into medium term development plans such as development of landing sites, fish markets, sanitary facilities and other fisheries related local infrastructure and services.
- Incorporating into district spatial plans the needs of fisher folk to have guaranteed access to the shoreline to engage in their livelihoods and support the delineation of management

who depend on these facilities and in particular to small-scale fishers.

- The law should require District Assemblies with fishing communities to designate and own areas as public landing sites and to regulate their exclusive use as artisanal landing sites for locals and displaced communities.
- The access to fishing grounds and use of specific landing sites and on-shore facilities could be recorded at registration.
- Provision to ensure access to traditional fishing grounds and related resources is protected, and that alternative access solutions must be found where access is limited by other developments, and damages must be paid if this is not possible.
- Policy statement to recognise and support the use by fishers of related resources.

		<p>areas and make them part of their Medium Term Development Plan arrangements</p>	
	<p>4. Policies/law allow or promote women’s access to fisheries use rights and related rights</p>	<p>The 2002 Fisheries Act and 2010 Fisheries Regulations do not address this issue specifically.</p> <p><u>1992 Constitution</u> The 1992 Constitution of Ghana broadly addresses equality of rights for women. The constitution provides in Article 17 that “a person shall not be discriminated against on grounds of gender... or economic status.” The provision further reads that “nothing in the article shall prevent Parliament from enacting laws that are necessary to provide for the implementation of policies and programmes aimed at addressing social, economic or educational imbalance in the Ghanaian society.”</p> <p>Article 27(3) provides that women shall be guaranteed equal rights to training and promotion without any impediments from any person.</p> <p>Importantly, the state is given a duty under Article 36(6) to “afford equality of economic opportunity to all citizens; in particular, the state shall take all necessary steps to ensure the full integration of women into the mainstream of the economic development of Ghana.”</p> <p><u>Draft co-management policy:</u></p> <ul style="list-style-type: none"> ● Policy provides that any co-management system must acknowledge the role of women in fisheries and their traditional institutions such as the <i>konkohene</i>. They must be represented 	<ul style="list-style-type: none"> ● Explicit recognition that women play an important role in fisheries and should be involved in decision-making and planning processes, as well as the establishment of mechanisms to ensure that women are involved. ● Provision to allow access to fishing resources and allow women to register vessels. ● Explicitly include representative of women’s association (fish processors and traders) in the Fisheries Commission board. Consider stipulating situations where advice of the board is binding. ● Inclusion of specific provision to ensure fisheries legislation is consistent with national gender policies. ● Policy statement on the need for involvement of women in all decision and management processes that affect them and provision of mechanisms that facilitate their involvement including: representation and membership of advisory boards, explicit references to involvement of women in co-management arrangements, reference to women as stakeholders to be consulted in the development of fishery management plans. It is noted that the draft co-management policy addresses some of these issues. ● Amend legislation to add that the Fisheries Development fund should be applied to provide technical and financial assistance to women in fisheries.

on co-management committees and their voices heard in the management decision-making process.

- Policy also provides for establishment of co-management committees depending on the fishery unit to be managed and including representatives of all resource users directly benefiting economically from use of the resource. States that composition of co-management committees should be gender sensitive.

National Gender Policy, 2015

On Food, Agriculture, Fisheries and Women's Access to Productive Resources, the policy aims to:

- a. Review and implement existing reforms, programmes and projects (e.g. Ghana Land Administration Project) directed at ensuring equitable access to land and natural resources particularly for women for agricultural uses and other productivity ventures.
- b. Enforce the implementation of extension services to cover Gender Equality and Women Empowerment issues to benefit all, particularly vulnerable women in agricultural practices in all regions of Ghana.
- c. Engender climate change processes and facilitate the participation of CSOs, farmer-based organisations to ensure that agricultural practices and other livelihood practices comply with acceptable standards.
- d. Promote the regulation of activities regarding fisheries for both women and men.

<p>5. Policies/law allow for or promote indigenous people's access to fisheries use rights and related rights.</p>	<p>The 2002 Fisheries Act and 2010 Fisheries Regulations do not address this issue.</p> <p>Primarily, the concept of indigenous people is alien to Ghanaian Law.</p> <p>The 1992 Constitution provides that transactions involving the grant of right /concession to any person for the exploitation of any natural resource is subject to parliamentary ratification. (Article 268). Parliament may however, by a resolution exempt this requirement for some class/ categories of grants. (Article 268(2))</p>	<ul style="list-style-type: none"> ● Hold consultation on this issue to determine necessary action. ● Amend the Fisheries Act to require parliamentary approval for allocation of licences/ fisheries rights to large industrial vessels and foreign vessels or for the exploitation of fishery resource of a particular magnitude.
<p>6. Policies/law allow for or promote migrant fishers' access to fisheries use rights and related rights</p>	<p>The 2002 Fisheries Act and 2010 Fisheries Regulations do not address this issue.</p>	<ul style="list-style-type: none"> ● Hold consultation on this issue to determine necessary action.
<p>7. Policies/laws subject customary SSF tenure systems to constitution and human rights</p>	<p>The 2002 Fisheries Act and 2010 Fisheries Regulations do not address this issue. The customary tenure system is not recognised in the legislation.</p> <p>The 1992 Constitution states in Article 1(2) that it is the supreme law of Ghana and all other laws, customs and customary laws are subject to it.</p> <p>Customary tenure systems are governed by customary laws and traditions. These are subject to the constitution which contains a comprehensive chapter on fundamental human rights and freedoms (Chapter 5 of the 1992 Constitution).</p>	<ul style="list-style-type: none"> ● Explicit recognition of the applicability of the principles and rights laid down in the Universal Declaration of Human Rights and other international human rights instruments as well as in the constitution. (Note: this may be too broad and might be difficult to put up in legislation) ● Policy statement that supports the applicability of human rights principles, and constitutional rights in the context of SSF.

		Article 26(2) of the 1992 Constitution says that all customary practices which dehumanize or are injurious to the physical and mental wellbeing of a person are prohibited.	
8. Policies/laws grant preferential access to specific fishing grounds to SSF.	<p><u>Fisheries Act 2002:</u></p> <ul style="list-style-type: none"> ● Section 51(1) provides that “the Commission shall take the action that it considers necessary to protect and promote artisanal and semi-industrial fishing including”: “(f) the establishment of reserved areas for fishing activities of artisanal and semi-industrial fishing vessel;” ● Section 51(2) provides that the Commission shall not establish concessionary areas within the IEZ for activities not permitted under this Act. ● Section 81 establishes Inshore Exclusion Zone (IEZ) reserved for canoes, small semi-industrial vessels and recreational vessels (six nautical miles or 30 metre isobath, whichever is farther). ● Section 51(1) also provides that the commission shall give priority to artisanal and semi-industrial fishing in the allocation of fishing licences or quotas. 	<ul style="list-style-type: none"> ● Clarification and possible extension of IEZ boundary to assist implementation and reflect current pattern of fishing activities by artisanal and semi-industrial fleet. Define the specific activities which, in exceptional circumstances, may be authorised by the Commission to take place in the IEZ. ● The law should require District Assemblies with fishing communities to designate and own areas as public landing sites and to regulate their use exclusively as artisanal landing sites. ● Specify that access to the IEZ is subject to the vessel being registered (and, if relevant, licensed). 	
9. Policies/laws facilitate (equitable access and) redistributive reform in place	<ul style="list-style-type: none"> ● The 2002 Fisheries Act and 2010 Fisheries Regulations do not explicitly address this issue. ● Section 2 of the Act provides that the Commission shall “advance the development of artisanal fishing”. Section 51(1) provides that “the Commission shall take the action that it considers necessary to protect and promote 	<ul style="list-style-type: none"> ● Hold consultation on this issue to determine necessary action ● Amend the Fisheries Act, particularly section 42 which provides for fishery plans, to provide that in preparing the fishery plan, equitable access by all stakeholders and redistributive reform should be guiding principles. 	

		<p>artisanal and semi-industrial fishing”, including “the giving of priority to artisanal and semi-industrial fishing in the allocation of fishing licences or quotas”.</p> <ul style="list-style-type: none"> ● 2015-2019 Fisheries Management Plan includes the “equitable distribution of benefits” as a guiding principle; however does not provide further detail on how this should be implemented in practice. 	<ul style="list-style-type: none"> ● Amend the Fisheries Act to require parliamentary approval for licences/ fisheries right to large industrial vessels and foreign vessels.
	10. Policies/laws facilitate redistributive reform, taking needs of SSF into consideration.	<ul style="list-style-type: none"> ● The 2002 Fisheries Act and 2010 Fisheries Regulations do not address this issue, although see (9) above. ● 2015-2019 Fisheries Management Plan includes the “equitable distribution of benefits” as a guiding principle; however does not provide further detail on how this should be implemented in practice. ● Section 42 of the Act provides that in preparing Fishery Plans, the commission shall take into account relevant artisanal fishing methods or principles. 	<ul style="list-style-type: none"> ● Hold consultation on this issue to determine necessary action
	11. Policies/laws provide for access to traditional fishing grounds and coastal land to displaced SSF communities.	<ul style="list-style-type: none"> ● The 2002 Fisheries Act and 2010 Fisheries Regulations do not address this issue. ● The constitution provides protection from deprivation of property (Article 20). Where private property is to be compulsorily acquired, it must be in the public interest and the person(s) losing the property must be adequately compensated. ● The law provides that a person dissatisfied with the quantum or any related matter concerning 	<ul style="list-style-type: none"> ● Hold consultation on this issue to determine further necessary action ● The law should require District Assemblies with fishing communities to designate and own areas as public landing sites. The District Assemblies should also regulate the exclusive use of these properties as artisanal landing sites for locals and displaced communities.

		the compulsory acquisition may proceed to the high court for redress.	
12. Specific user rights are recognised in policies/laws that benefit SSF.	<p><u>2002 Fisheries Act:</u></p> <ul style="list-style-type: none"> ● Artisanal (Section 52) and semi-industrial (Section 46) fisheries both subject to licensing obligations. However according to Section 51(1)(c), the Council may recommend that these activities be exempted from such requirements for a defined period. ● Specific provision on development of artisanal fishing (Section 51 (1)): the Commission shall “take the action that it considers necessary to protect and promote artisanal and semi-industrial fishing”, including “the giving of priority to artisanal and semi-industrial fishing in the allocation of fishing licences or quotas”. ● According to Section 55, artisanal vessels must be registered by the District Assembly of the area where the vessel is to be operated. 	<ul style="list-style-type: none"> ● Specify particular user rights provided through act of registration and/or licensing. ● Specify use rights for each of the categories of fisheries having access to the IEZ, including applicability of conservation and management measures, including: <ul style="list-style-type: none"> ○ applicability of fishing seasons; ○ area based management measures within IEZ; ○ gear specifications; ○ species restrictions; ○ documentation of catch. ● Policy statement on the recognition of specific use rights and their application, including in relation to SSF. 	
13. Policies/laws provide for transparent and accessible allocation mechanisms to SSF	<ul style="list-style-type: none"> ● The 2002 Fisheries Act and 2010 Fisheries Regulations do not provide explicit provisions to this end that apply to SSF. ● Regarding registration, Section 55(1) provides that “An artisanal fishing vessel shall be registered by the District Assembly of the area where the vessel is to be operated”, however does not provide further details regarding any conditions of registration or procedure, including the possibility to refuse a registration. ● Likewise, Section 53 (alongside Regulation 27(1) of the 2010 Regulations) sets out a requirement that canoes be licensed, and according to Section 53(4), upon submission of the necessary information, “An artisanal fishing 	<ul style="list-style-type: none"> ● Specification of the procedure for registration and licensing of SSF, including the grounds for approving or refusing an application, and the obligation to provide in writing the grounds for refusal of registration/licensing and indication of the possibility for appeal. ● Legislation should also provide for procedure for reviewing decisions made regarding registration and licensing of SSF. ● Clarify the relationship between the licensing and registration procedures for SSF and the powers of local government, to ensure that local government powers are compatible with the provisions of the Fisheries Act. ● Policy statement on the need for recognition and establishment of clear allocation mechanisms to SSF. 	

		<p>licence shall be granted without delay". Licences shall specify the period of validity of the licence, indicate the activity for which the license is issued and state the markings/identity of the vessel" (Section 54). On application to the Commission, an artisanal fishing licence may be renewed (Section 54(2)). An artisanal fishing licence may be cancelled or suspended, or the licensee disqualified from being granted a licence, in case of breach of the Act or licensing condition (Section 58).</p> <ul style="list-style-type: none"> ● Section 76(2) sets out a list of circumstances in which the Council may refuse to recommend the issue or renewal of a fishing licence, or may recommend the suspension or cancellation of a fishing licence or authorisation, including where "(b) it is necessary to do so in order to give effect to a licensing programme specified in an approved fisheries plan". However, this only applies to industrial and semi-industrial vessels. Where a licence is suspended or cancelled, notification must be provided to the licensee at least seven days before the effective date of the suspension or cancellation. ● Under Section 78(2), a person affected or aggrieved by a decision of the Minister to refuse to issue or renew a licence, or to modify, cancel or suspend a licence, may appeal to the Fisheries Appeals Board for redress. Again this applies only to industrial and semi-industrial vessels. 	<ul style="list-style-type: none"> ● As a way to ensure transparency provide in legislation public access to information on allocation mechanisms to SSF.
	<p>14. Policies/laws allow for the transfer of user rights that benefit SSF.</p>	<p><u>Fisheries Act 2002:</u></p> <ul style="list-style-type: none"> ● Section 57 sets out the circumstances in which an artisanal canoe licence may be transferred 	<ul style="list-style-type: none"> ● Specification of the allowed use of registered vessels, including:

		<p>to another person – where the new vessel is of equal dimensions and characteristics, and operating in the same locality. In the case of change of ownership, both new and previous owners are required to notify the Director of Fisheries of the transfer of ownership in writing.</p> <ul style="list-style-type: none"> ● The Act/Regulations do not address the transferability of registration and it is not clear whether vessels should be re-registered when the ownership changes, or when the vessel is used by others than the person originally registering the vessel. <p><u>2010 Fisheries Regulations:</u></p> <ul style="list-style-type: none"> ● Regulation 28(1) provides that a canoe licence may not be transferred except with the prior written approval of the Commission or person authorised by the Commission. 	<ul style="list-style-type: none"> ○ Conditions for limited use of vessels by others than the owner (e.g. family members, community members) ○ Validity of registration ○ Procedure for addressing lost, stolen and destroyed licences. ○ Specification whether and under what conditions registered vessels may be transferred ○ Specification what change of ownership of a vessel implies for registration of that vessel. <ul style="list-style-type: none"> ● Policy level recognition that transferability of use rights in certain SSF settings is necessary for the protection of livelihoods and statement on the need to allow for transferability of use rights under certain circumstances, most appropriate for the support of SSF.
15. What type of user rights are allocated (territorial user rights, community based catch quotas, ITQ)		<ul style="list-style-type: none"> ● Artisanal fishing vessels and small semi-industrial vessels, when registered and licensed, have free access to the fishing resources within the IEZ and outside. ● The 2002 Fisheries Act and 2010 Fisheries Regulations do not provide for territorial use rights or quota systems. Licences for artisanal fishing may, however, indicate the activity for which the licence is issued. ● For industrial and semi-industrial vessels, Section 72 of the Act provides that Regulations may be issued to prescribe further conditions for the granting of a fishing licence. The application for a fishing licence/renewal for industrial vessels (Form C of the 2010 	<ul style="list-style-type: none"> ● Specification of specific user rights that benefit SSF communities, including territorial user rights and community-based catch quotas. ● Consider including provisions for powers to decide or devolve the decision to introduce territorial user rights, possibly in connection with the IEZ provision. (It is noted that this decision is to be devolved to the co-management committee per the draft co-management policy) ● Policy level recognition of the need to allocate specific user rights to SSF and identification of the specific user rights that may be allocated.

		<p>Regulations) provides space for licensing conditions to be specified. Section 74 provides that a licence is only valid for the species of fish and the type of fishing gear or method of fishing, or any other activity in accordance with this Act specified in the licence.</p> <p><u>Draft co-management policy:</u></p> <ul style="list-style-type: none"> ● Includes potential for co-management committee for small pelagics (anchovies, mackerels and sardinellas) to designate territorial use rights (TURFS) to fisher groups for beach seines targeting these stocks. ● TURFs also mentioned in relation to co-management of shellfish including estuarine and freshwater bivalves such as clams, oysters and cockles 	
II. SAFEGUARD LEGITIMATE TENURE RIGHTS AGAINST THREATS AND INFRINGEMENTS			
5.7. SSFG	<p>1. Policies/laws provide for consideration of SSF interests and representation of SSF interests before entering into fishing agreements with (foreign) states/commercial entities (consultation, participation, co-decision-making)</p>	<p>The 2002 Fisheries Act and 2010 Fisheries Regulations do not provide for the representation of SSF interests before entering into fishing agreements.</p> <p>There is no prerequisite for prior SSF consent or representation at any stage of the process of negotiating and entering into fishing agreements.</p> <p><u>1992 Constitution</u></p> <p>The 1992 Constitution provides that transactions involving the grant of right /concession to any person for the exploitation of any natural resource is subject to parliamentary ratification. (Article 268). Parliament may however, by a resolution</p>	<ul style="list-style-type: none"> ● Specific obligation to consult with local communities and SSF that may be affected prior to concluding fishing agreements. ● Establishment of an advisory body through which representatives of stakeholder groups are consulted and involved in management planning and decision-making, including explicitly representatives of SSF and women’s groups. Situations for binding advice or collective agreements on fisheries management may be provided. It is noted that the co-management committees envisaged under the draft co-management policy could fulfil this role (e.g. for committees for large-scale management units for small pelagics and demersals) ● Policy level recognition of potential negative effect of access agreements on fishing opportunities of SSF, and statement that mechanisms need to be found to ensure

exempt this requirement for some class/ categories of grants. (Article 268(2))

Furthermore, any international business or economic transactions entered into by the Government requires parliamentary approval/ (Article 181 (5)). This would cover any access agreement entered into by Government.

Fisheries Act 2002:

- Section 70 states that the Director shall refer applications for licences for industrial and semi-industrial vessels to a fishery licence evaluation committee, where applicable. The committee is established in accordance with Section 11, which provides it shall comprise technical officers from the Commission. It does not include other stakeholders, such as SSF representatives.
- Section 43 provides that a fishery plan “(d) shall determine the amount of the fishery resource to be made available to licensed foreign fishing vessels” and “(h) shall take into account relevant artisanal fishing methods or principles”. The Commission is responsible for preparing fishery plans (Section 42) but shall carry out the consultations it considers appropriate with organisations, authorities and persons affected by the fishery plan (Section 44(1)). This leaves wide discretion for the Commission to determine whether and how it consults stakeholders in the preparation of a fishery plan.

that the interests of SSF are taken into consideration before access agreements are concluded.

- Amend legislation to provide that the Fisheries Commission shall publish or give notice of all applications for fishing licences submitted by Industrial and foreign vessels. The law should also provide an avenue/mechanism for the inputs from CSOs and all relevant stakeholders and provide that such inputs shall be taken into consideration in deciding whether to grant the licence or not.
- Amend the Fisheries Act to expressly state that parliamentary approval is required for the grant of licences/ fisheries rights to large industrial vessels and foreign vessels or for the exploitation of fishery resource of a particular magnitude.
- Legislation should amend the constitution of the governing council/board of the Fisheries Commission. The membership of the council should include a representative of civil society organisation and the number of representatives of the fishing industry, including small scale fisherfolk should be increased from two to four, to include representatives from the tuna, industrial (trawl), semi-industrial and canoe sectors.

		<ul style="list-style-type: none"> ● Section 63 provides that licences for foreign vessels shall not be issued except under an access agreement made under the Act. Under Section 64, the Minister, on the advice of the Council, may enter into an international access arrangement with a foreign government, association or other legally constituted foreign body, on behalf of the government, to allow access of foreign vessels to fisheries resources. ● Section 64(2) provides that an access arrangement shall provide for the allowable allocation of fish “which shall not exceed a level consistent with the conservation and management of fishery resources”, “shall provide for the protection of local fishermen” and “shall be consistent with the fishery plan”. However, there is no provision for stakeholders to be consulted prior to entering into such agreements. 	
5.9. SSFG	2. Policies/laws provide mechanisms (consultation, participation, co-decision-making) to support communities to protect legitimate SSF tenure rights from infringements by other resource users.	<p>The 2002 Fisheries Act provides partial but insufficient mechanisms to support communities to protect legitimate SSF tenure rights from infringements by other resource users.</p> <p><u>Fisheries Act 2002:</u></p> <ul style="list-style-type: none"> ● Section 4 establishes the Council of the Fisheries Commission, the membership of which shall comprise a representative of artisanal fishers. Representatives shall be nominated by the associations concerned (Section 4(2)) and appointed by the President (Section 5(1)). According to Section 6(7), questions before the Council shall be decided by a <u>majority of the members</u> present and 	<ul style="list-style-type: none"> ● Establishment of an advisory body through which representatives of stakeholder groups are consulted and involved in management planning and decision-making, including explicitly representatives of small-scale fishers and women’s groups. It is noted that the establishment of co-management committees for large-scale and small-scale management units, as envisaged under the draft co-management policy, would address this need. The co-management policy also provides for the establishment of advisory committees to the main co-management committees. ● Provision of cases in which the advisory body is heard, including for example: development of fisheries management plans, policies, legislation and conclusion of access agreements.

voting. The Act does not specify which decisions should require a unanimous vote by the Council. There is further no requirement for a female representative of the small-scale fishing industry on the Council.

- Section 10 of the Act establishes a Fisheries Settlement Committee. While the members shall be appointed from the members of the Council, there is no requirement for a SSF representative to be appointed.
- Section 43 provides that a fishery plan “(d) shall determine the amount of the fishery resource to be made available to licensed foreign fishing vessels” and “(h) shall take into account relevant artisanal fishing methods or principles”. The Commission is responsible for preparing fishery plans (Section 42) but shall carry out the consultations it considers appropriate with organisations, authorities and persons affected by the fishery plan (Section 44(1)). This leaves wide discretion for the Commission to determine who it consults in the preparation of a fishery plan.
- As regards aquaculture, Section 60 provides that an application for a licence for an aquaculture project shall be made to the Commission and shall be accompanied with an environmental impact assessment. However, there is no provision for stakeholder consultation/participation with regard to such applications.

Fisheries Management Plan of Ghana 2015-2019

- Procedure for developing advice by the advisory body.
- Description of membership of the advisory body and procedure for membership, election and resignation.
- Policy to include description of effective mechanisms for involvement of SSF stakeholders in decision-making processes related to the protection of their tenure rights.

- The Management Plan sets out a number of guiding principles for the development of strategies for effective implementation of the plan. These include the promotion of “collaboration, participatory decision-making and shared responsibility with all stakeholders”.
- In this regard, the Management Plan provides that it will implement co-management for the artisanal sector, including three main elements:
 - Facilitation of co-management systems in communities with other institutions
 - Revision of fisheries legislation to incorporate co-management requirements
 - Development of a robust co-management policy and implementation plan

Draft co-management policy

- The policy states that “As part of a legislative amendment process which is currently underway, improvements will be made for broader representation and engagement of stakeholders on the Fisheries Commission”
- Policy provides for establishment of co-management committees depending on the fishery unit to be managed. For example, the co-management structures for large-scale units (large pelagics, small pelagics and marine demersals, shellfish and molluscs) are envisioned to be with representatives of associations encompassing all resource users directly benefiting from use of the resource, such as the Ghana National Fishermen’s Canoe Council, the National Inshore Fishermen’s

Association, the National Fish Processors and Traders Association.

- Policy states that “The Canoe Council and Fish Processors by virtue of greater numbers may have more seats on a committee, representing each region for instance, and the Inshore Association may have a representative from each of the major landing sites for inshore operators such as Takoradi, Elmina and Tema.”
- For small-scale management areas or units (e.g. fisheries for small lakes, lagoons or estuaries), co-management committees can also be established based on needs for conservation and sustainable management of associated stocks and based on requests from fishing communities, fisheries associations or groups. Policy provides that small-scale co-management committees:
 - are to consist of stakeholders directly engaged in and benefiting economically from the fishery;
 - must include women representation;
 - may include both representatives of fishers, processors and marketers.
- Policy states that use rights will be preserved for and granted to artisanal fisher folks for the stocks in the small scale management units.
- As regards local government units, the policy provides that where fisheries are a main driver of economic activity in a district, then district governance arrangements should support inclusion of fisher folk voice in decision-making and planning processes.

		<ul style="list-style-type: none"> The Policy also recommends that the revised Fisheries Act directs the establishment of institutional arrangements and co-management committees for the participation of fisheries industry representatives and other stakeholders in partnership with government in the co-management of the fisheries. 	
	3. Policies/laws provide for special support (training, judicial) to communities to protect legitimate SSF tenure rights from infringements by other resource users	<p>The 2002 Fisheries Act and the 2010 Fisheries Regulations do not provide for provisions to this end.</p> <p><u>2002 Fisheries Act:</u> Specific provision on development of artisanal fishing (Section 51 (1)): the Commission shall “take the action that it considers necessary to protect and promote artisanal and semi-industrial fishing”, including “(a) the provision of extension and training services”. Section 38 also provides that the Fisheries Development shall be applied <i>inter alia</i> “(c) provide assistance to small scale fishery co-operative enterprises”. However, the Act does not specifically address the need for capacity building and training specifically on the issue of protection of legitimate tenure rights from infringements.</p>	<ul style="list-style-type: none"> Specific task of the Fisheries Commission to provide capacity development activities, targeting explicitly: women, small-scale fishing sector and related sectors (processing, marketing, etc.). Funding to enable this could be generated by making use of registration/licence fees. Policy level recognition of the need to ensure that appropriate, transparent and accessible support is provided to SSF to develop their capacities to protect legitimate SSF rights.
5.10 SSFG	4. Policies/laws provide for mechanisms (consultation, co-decision-making) to formally represent SSF interests prior to large-scale developments taking place	<p><u>Fisheries Act 2002:</u></p> <ul style="list-style-type: none"> Section -93 provides that a person or government department/agency planning to carry out an activity other than fishing “which is likely to have a substantial impact on fisheries resources” shall inform the Commission of the plans prior to commencement of the planned activity with a view to the conservation and protection of resources. The Commission <u>may</u> then make or require a fisheries impact 	<ul style="list-style-type: none"> Explicit obligation to involve potentially affected stakeholders in the main stages of the negotiations of fishing access agreements and other large-scale developments that may affect fishing practices. Specification of procedure for involving stakeholders, balancing interest of efficient negotiations and the interest of stakeholders to be involved. Specification of the role of stakeholders (advisory, decision-making)

assessment to be carried out regarding the likely impact of the activity on fishery resources, which shall be taken into account in the planning of the activity and in the development of means of preventing or minimizing any adverse impacts.

- This provision is not clear as to who determines the “substantial impact” of an activity and leaves the discretion of whether or not a fisheries impact assessment is carried out to the sole discretion of the Commission. In addition, the assessment only needs to be “taken into account” in the planning of the activity and development of prevention/mitigation measures. There is no provision for consultations, participation or co-decision-making in the process, although it is noted that the provision is in addition to any other requirement by Environmental Protection Agency.

- Process for providing meaningful compensation for damages, including in the form of material compensation that benefit communities as a whole (building of schools, education, establishment of processing facilities and obligation to process share of catches in these facilities, etc.)
- Policy level recognition of potential negative effect of certain large-scale developments that affect the marine environment on fishing opportunities of SSF, and statement that mechanisms need to be found to ensure that interests of SSF are taken into consideration before such large-scale developments are authorised to ensure that appropriate mitigation measures are taken.
- Amendment of FIA provisions:
- Fisheries impact assessment to be required for all oil and gas exploratory activities in the Exclusive Economic Zone (EEZ) or inclusion of a legal basis for the elaboration of specific guidelines that should be followed as part of Environmental Impact Assessments to ensure impacts on fisheries (ecological, socio-economic, etc.) are considered.
- Stakeholder advisory body to be involved in determining “substantial impact” and whether or not a fisheries impact assessment should be required.
- Minimum period for public comment and participation in environmental review process for large scale oil and gas projects.
- Provide clarity on persons and category of persons to be consulted during the FIA process.
- Ensure transparency of information - all relevant documents to be made publicly available, including draft and final assessment, online

			<ul style="list-style-type: none"> • Specific requirement that those to be impacted by large-scale development (SSF, women’s groups) are consulted and adequately represented. • Fisheries impact assessment should consider socio-economic as well as ecological impacts
	5. Policies/laws provide for special support (training, judicial, negotiations) to formally represent SSF interests prior to large-scale developments taking place	<p>The 2002 Fisheries Act and the 2010 Fisheries Regulations do not contain specific provisions to this end.</p> <p><u>2002 Fisheries Act:</u> Specific provision on development of artisanal fishing (Section 51 (1)): the Commission shall “take the action that it considers necessary to protect and promote artisanal and semi-industrial fishing”, including “(a) the provision of extension and training services”. Section 38 also provides that the Fisheries Development shall be applied <i>inter alia</i> “(c) to provide assistance to small scale fishery co-operative enterprises”. However, the Act does not specifically address the need for capacity building and training specifically to formally represent SSF interest prior to large-scale developments taking place.</p>	<ul style="list-style-type: none"> • Obligation to provide training to certain small-scale fishers representatives, for example those included in the advisory body, and obligation to involve the SSF representative of the advisory body in assisting SSF affected by and involved in the negotiation of large-scale developments. • Policy recognition of the importance of strengthening judicial training and negotiation support to SSF in the context of involvement of SSF representatives prior to large-scale developments/access agreements being agreed.

III. SUSTAINABLE DEVELOPMENT AND TENURE RIGHT-HOLDERS

5.13. SSFG	Policies/laws subject SSF to general management principles related to long-term conservation and sustainable use, where available	<p><u>Fisheries Act 2002:</u></p> <ul style="list-style-type: none"> • Section 2 sets out the objects of the Commission which include to “(c) ensure the proper conservation of the fishery resources through the prevention of over fishing” • Section 42 provides for the preparation of fishery plans by the Commission, which shall be based on the best scientific information available, ensure the optimum utilisation of the 	<ul style="list-style-type: none"> • Explicit obligation that all fisheries, including SSF, are carried out and planned in accordance with the principles and approaches supporting the conservation and sustainable use of the resources, and that access is regulated by way of such principles as the precautionary approach and ecosystem approach to fisheries. • Specific reference that traditional practices must be taken into consideration, but will be subject to principles of sustainable management, including the
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		<p>fishery resources but avoid over exploitation, and be consistent with good management principles. The Act does not elaborate further on these principles.</p> <ul style="list-style-type: none"> ● Section 43 provides that fishery plans “(e) shall specify the conservation measures to be enforced to protect the resources from over-exploitation” and “(h) shall take into account relevant artisanal fishing methods or principles”. The Act does not specify that artisanal fishing methods should be subject to principles of conservation and sustainable use. <p><u>2015-2019 Fisheries Management Plan:</u></p> <ul style="list-style-type: none"> ● The Management Plan sets out a number of principles to provide guidance for the development of strategies for effective implementation of the plan, including the precautionary approach in management, the limitation of adverse environmental impacts (including application of the polluter pays principle) and the ecosystem approach to fisheries. ● The Management Plan sets out a number of measures to reduce the levels of fishing effort and capacity in the canoe fishery including increasing the number of traditional fishing holidays, and controlling new entrants to the fishery. 	<p>ecosystem approach to fisheries and the precautionary approach.</p> <ul style="list-style-type: none"> ● Specific reference to ensuring that traditional practices that are consistent with responsible fisheries are maintained. ● Policy statement that, despite the special position of SSF, these fisheries must be in accordance with the ecosystem approach and precautionary approach to ensure sustainable practices.
5.15. SSFG	Policies/laws provide for participation of SSF communities in developing management strategies and decisions	<p>The 2002 Fisheries Act and the 2010 Fisheries Regulations do not contain specific provisions to this end.</p> <p><u>Fisheries Act 2002:</u></p>	<ul style="list-style-type: none"> ● Explicit reference to involvement of advisory body, which should include a representative of, among others, SSF interests in the development of management strategies and decisions over resources that affect the livelihoods of small-scale fishers. It is noted that the

<p>over resources that affect their livelihoods.</p>	<ul style="list-style-type: none"> ● Section 4 establishes the Council of the Fisheries Commission, the membership of which shall comprise a representative of artisanal fishers. Representatives shall be nominated by the associations concerned (Section 4(2)) and appointed by the President (Section 5(1)). According to Section 6(7), questions before the Council shall be decided by a <u>majority of the members</u> present and voting. The Act does not specify which decisions should require a unanimous vote by the Council. There is further no requirement for a female representative of the small-scale fishing industry on the Council. ● Under Section 42, the Commission is responsible for preparing fishery plans but is only required to carry out the consultations <u>it considers appropriate</u> with organisations, authorities and persons affected by the fishery plan (Section 44(1)). This leaves wide discretion for the Commission to determine whether and how it consults stakeholders in the preparation of a fishery plan. <p><u>Fisheries Management Plan of Ghana 2015-2019</u></p> <ul style="list-style-type: none"> ● The Management Plan sets out a number of guiding principles for the development of strategies for effective implementation of the plan. These include the promotion of “collaboration, participatory decision-making and shared responsibility with all stakeholders”. 	<p>establishment of co-management committees for large-scale and small-scale management units, as envisaged under the draft co-management policy, would address this need.</p> <ul style="list-style-type: none"> ● Mandatory hearing and participation of small-scale fishers and other stakeholders potentially affected by future decisions and management plans. ● Explicit provision for processes to obtain compensation for small-scale fishers in case development and management decisions unnecessarily affect their livelihoods. ● Training and support provided to small-scale fishing communities to effectively represent their interests and be involved in the management and policy decision processes that may affect their livelihoods, possibly with the support of SSF representatives within the advisory body. ● Policy calls for establishment of mechanism to be developed to facilitate involvement of SSF in management decisions that affect them, including through: development of advisory groups; insertion of obligations to hear SSFF and other stakeholders in relevant decision-making processes. ● Legislation should be amended to require the Fisheries Commission to consult with civil society organizations focused on fisheries, SSF associations and women groups in the preparation of fishery plans ● Legislation should also provide for the opportunity for the general public or concerned groups to submit concerns to the Fisheries Commission during the preparation of the plan and that these concerns should be taken into consideration in the finalisation of the plan.
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- In this regard, the Management Plan provides that it will implement co-management for the artisanal sector, including three main elements:
 - Facilitation of co-management systems in communities with other institutions
 - Revision of fisheries legislation to incorporate co-management requirements
 - Development of a robust co-management policy and implementation plan
- Draft co-management policy
- The policy states that “As part of a legislative amendment process which is currently underway, improvements will be made for broader representation and engagement of stakeholders on the Fisheries Commission”
 - Policy provides for establishment of co-management committees depending on the fishery unit to be managed. For example, the co-management structures for large-scale units (large pelagics, small pelagics and marine demersals, shellfish and molluscs) are envisioned to be with representatives of associations encompassing all resource users directly benefiting from use of the resource, such as the Ghana National Fishermen’s Canoe Council, the National Inshore Fishermen’s Association, the National Fish Processors and Traders Association.
 - For small-scale management areas or units (e.g. fisheries for small lakes, lagoons or estuaries), co-management committees can also be established based on needs for conservation and sustainable management of associated
- Legislation should also provide for the life span of every fishery plan and its regular review and revision to keep it in touch with developing trends and concerns.

		<p>stocks and based on requests from fishing communities, fisheries associations or groups. Policy provides that small-scale co-management committees:</p> <ul style="list-style-type: none"> ○ are to consist of stakeholders directly engaged in and benefiting economically from the fishery; ○ must include women representation; ○ may include both representatives of fishers, processors and marketers. <ul style="list-style-type: none"> ● According to the Policy, co-management committees will be responsible for “developing an operational co-management plan for the fishery management area and fish stocks under their jurisdiction and a suite of measures required to manage the fishery sustainably as well as to prevent overfishing and rebuild any fish stocks considered as overfished.” Management plans are submitted to the Chairman of the Fisheries Commission, then the Minister and Cabinet for approval. Once the co-management plan is approved, the co-management committee has full authority to implement management measures. 	
	<p>Policies/laws recognise and provide for co-management arrangements for the management of resources</p>	<p>The 2002 Fisheries Act and the 2010 Fisheries Regulations do not contain specific provisions to this end. However, a co-management policy is currently in the process of adoption.</p> <p><u>Fisheries Act 2002:</u></p> <ul style="list-style-type: none"> ● Section 4 establishes the Council of the Fisheries Commission, the membership of which shall comprise a representative of artisanal fishers. Representatives shall be 	<ul style="list-style-type: none"> ● Legislation should be amended to give the Minister for Fisheries the mandate to make regulations that provide for the development and establishment of co-management arrangements, structures or mechanisms. ● Introduction of obligation to seek to establish as the preferred management option co-management through the involvement of, where possible, small-scale fishing communities in the co-management of resources on which they depend for their livelihoods.

nominated by the associations concerned (Section 4(2)) and appointed by the President (Section 5(1)). According to Section 6(7), questions before the Council shall be decided by a majority of the members present and voting. The Act does not specify which decisions should require a unanimous vote by the Council. There is further no requirement for a female representative of the small-scale fishing industry on the Council.

- Under Section 42, the Commission is responsible for preparing fishery plans but is only required to carry out the consultations it considers appropriate with organisations, authorities and persons affected by the fishery plan (Section 44(1)). This leaves wide discretion for the Commission to determine whether and how it consults stakeholders in the preparation of a fishery plan.

Fisheries Management Plan of Ghana 2015-2019

- The Management Plan sets out a number of guiding principles for the development of strategies for effective implementation of the plan. These include the promotion of “collaboration, participatory decision-making and shared responsibility with all stakeholders”.
- In this regard, the Management Plan provides that it will implement co-management for the artisanal sector, including three main elements:
 - Facilitation of co-management systems in communities with other institutions

- Obligation to agree the co-management conditions with affected small-scale fishing communities if co-management is possible, prior to initiating co-management.
- Provide suggested duties and responsibilities for co-management arrangements in relation to the resources that will be co-managed including in relation to:
 - Access and limitation of access
 - Applicable management measures and their adoption
 - Data collection
 - Enforcement
 - Measures to be taken in case of non-compliance.
- Policy recognition of co-management as the preferred management option through the involvement of, where possible, SSF communities in the co-management of resources on which they depend for their livelihoods.

		<ul style="list-style-type: none"> ○ Revision of fisheries legislation to incorporate co-management requirements ○ Development of a robust co-management policy and implementation plan <p><u>Draft co-management policy</u></p> <ul style="list-style-type: none"> ● Policy provides for establishment of co-management committees depending on the fishery unit to be managed and including representatives of all resource users directly benefiting from use of the resource. The composition of co-management committees should also be gender sensitive. 	
5.17. SSFG	Policies/laws provide for the participatory agreement on roles and responsibilities of SSF communities in co-management of resources	<p>The 2002 Fisheries Act and the 2010 Fisheries Regulations do not contain specific provisions to this end. However, a co-management policy is currently in the process of adoption.</p> <p><u>Fisheries Management Plan of Ghana 2015-2019</u></p> <ul style="list-style-type: none"> ● The Management Plan sets out a number of guiding principles for the development of strategies for effective implementation of the plan. These include the promotion of “collaboration, participatory decision-making and shared responsibility with all stakeholders”. ● In this regard, the Management Plan provides that it will implement co-management for the artisanal sector, including three main elements: <ul style="list-style-type: none"> ○ Facilitation of co-management systems in communities with other institutions ○ Revision of fisheries legislation to incorporate co-management requirements 	<ul style="list-style-type: none"> ● Explicit description of the process through which co-management arrangements must be developed, including: <ul style="list-style-type: none"> ○ Selection of affected communities ○ Selection of representatives of communities ○ Addressing gender issues in representation ○ Setting up of a co-management structure/body ○ Form in which arrangements must be agreed ○ Duties and responsibilities ○ Non-compliance.

		<ul style="list-style-type: none"> ○ Development of a robust co-management policy and implementation plan <p><u>Draft co-management policy</u></p> <ul style="list-style-type: none"> ● Policy provides for establishment of co-management committees depending on the fishery unit to be managed and including representatives of all resource users directly benefiting from use of the resource. The composition of co-management committees should also be gender sensitive. ● Policy sets out guidelines for membership of committees. Membership should be nominated by the user groups themselves. ● Eligibility for appointment as a member to the co-management committee is solely for active fisher folk or retired fisher folk involved in the designated fishery for community based management committees, and for co-management committees for large scale units fisher folk as described above and other active stakeholders with an interest in the fishery. ● Stakeholders groups are to make nominations known to the Fisheries Commission Director or Regional Director who will appoint the members within 30 days after the nominations. 	
5.19. SSFG	Policies/laws enable development of intergovernmental arrangements for cooperation on management of transboundary and shared stocks	<p><u>2002 Fisheries Act:</u></p> <ul style="list-style-type: none"> ● Under Section 2(2), it is an express obligation of the Commission to “(f) promote sub regional, regional and international co-operation in fisheries management;” ● Section 45(1) provides that the Minister may, and shall on the advice of the Council, consult with foreign governments and in particular with 	<ul style="list-style-type: none"> ● Explicit obligation to take into consideration the interest of small-scale fishing communities in relation to shared stocks when deciding on shared management arrangements with neighbouring states. ● Obligation to involve small-scale fishing communities in the negotiation process for co-management arrangements for shared stocks with neighbouring states, if their interests are affected.

		<p>governments of states sharing the same or interrelated fish stocks, with a view to:</p> <ul style="list-style-type: none"> ○ Ensuring harmonisation or cooperation of management/development plans and regulations ○ Ensuring harmonisation of data collection to assess state of resources ○ Establishing bilateral or (sub)-regional reciprocal fishing rights with other states in the region ○ Providing for the formulation of (sub-)regional fisheries management and development plans, including MCS, allocation of fishing effort and catch, taking joint conservation measures. ○ Providing for the establishment of joint (sub-)regional fisheries management plans. <ul style="list-style-type: none"> ● Section 45(2) provides that consultations may be undertaken directly with the governments or persons concerned, or through existing appropriate regional or sub-regional organisations or international agencies. <p><u>Fisheries Management Plan of Ghana 2015-2019</u></p> <ul style="list-style-type: none"> ● The Management Plan specifies that Ghana will continue to participate in the meetings of ICCAT and implement its recommendations and resolutions. 	
5.20. SSFG	Policies/laws provide measures to address fishing overcapacity	The Fisheries Act 2002 and 2010 Fisheries Regulations do not include specific provisions to address fishing over-capacity, although the Act provides general reference to the prevention of over-exploitation and over-fishing.	<ul style="list-style-type: none"> ● Explicit obligation to address over-capacity in the fisheries sector, including by: <ul style="list-style-type: none"> ○ Developing national plans of action to address over-capacity

		<p><u>Fisheries Act 2002:</u></p> <ul style="list-style-type: none"> ● Section 2 sets out the objects of the Commission which include to “(c) ensure the proper conservation of the fishery resources through the prevention of over fishing” ● Section 42 provides for the preparation of fishery plans by the Commission, which shall be based on the best scientific information available, ensure the optimum utilisation of the fishery resources but avoid over exploitation, and be consistent with good management principles. The Act does not elaborate further on these principles. ● Section 43 provides that fishery plans “(e) shall specify the conservation measures to be enforced to protect the resources from over-exploitation” <p><u>Fisheries Management Plan of Ghana 2015-2019</u></p> <ul style="list-style-type: none"> ● The Management Plan specifically refers to the need for “urgent reduction of fishing effort by management action”. Indeed, “reducing current levels of fishing effort and fishing capacity” is highlighted as one of five key issues which require major strategic responses under the Management Plan. ● Measures to reduce over-capacity are specified for the industrial trawl, semi-industrial and canoe sectors. 	<ul style="list-style-type: none"> ○ Carrying out capacity assessments and analysis of actions to be taken ○ Developing effective and complete fishing vessel records ○ Provision of specific measures to address overcapacity ○ Regional coordination in addressing over-capacity. <ul style="list-style-type: none"> ● Policy statement that in addressing over-capacity, SSF should not be excluded, and adequate measures must be developed to address overcapacity while negative effects on livelihoods of SSF should be mitigated.
5.16. SSFG	Policies/laws grant a formal role to SSF communities in	<p>The 2002 Fisheries Act and 2010 Fisheries Regulations do not specifically address this issue.</p> <p><u>Fisheries Act 2002:</u></p>	<ul style="list-style-type: none"> ● Explicit reference to the role of small-scale fishers in MCS, including reporting on sightings of unregistered vessels engaged in fishing, and of vessels engaged in IUU fishing activities. Amendment of legislation to provide a

monitoring, control and surveillance

- Section 2(2) sets out an obligation of the Commission to ensure enforcement of fishery laws, in collaboration with fishing communities and District Assemblies.
- Section 94(1) of the Act establishes a unit dedicated to fisheries MCS and enforcement. The enforcement unit shall include personnel from government and state agencies, e.g. Navy and Air Force (Section 94(3)), although the Minister may request personnel from “other departments, State agencies and any other competent bodies or organisations” (Section 94(4)) to assist the enforcement unit in the performance of its functions.
- Section 95(2) specifies the personnel that are considered “authorised officers” for the purposes of the Act and Regulations. However only public officers are specified. According to Section 96(1), authorised officers have the same powers of arrest as a police officer for the purposes of enforcing the Act.

2010 Fisheries Regulations:

- Regulation 34 sets out the procedure for Ghanaian registered vessels to report the sighting of vessels fishing in the EEZ that appear to be unlicensed or unregistered in Ghana. The Schedule to the Regulations provides a form (Form F) to be completed in such cases.
- The Regulations do not, however, provide for the broader involvement of communities in MCS, in relation to other vessels engaged in IUU fishing/other forms of IUU fishing activities.

- legal basis for external parties to be involved in providing support to MCS activities. This may be linked with co-management arrangements of certain fish stocks and areas, but may also be applied more broadly, beyond co-management arrangements.
- Policy statement on the role of SSF in MCS, including their positive contribution.

		<p><u>Draft co-management policy:</u></p> <ul style="list-style-type: none"> ● Recognises role of Fisheries Watch Committees composed of local fisher folk at the landing beach level to assist in surveillance and enforcement of national laws or rules established by the fisheries resources co-management committees formed at larger scales 	
	<p>Policies/laws require SSF to register boats, document activities, provide MCS data.</p>	<p><u>2002 Fisheries Act:</u></p> <ul style="list-style-type: none"> ● Section 55 provides that artisanal fishing vessels shall be registered by the District Assembly of the area where the vessel is to be operated. The vessel shall be allocated a registration number. ● The Act does not provide details on the procedure for registration, the transferability of boats that have been registered, the accessibility of the records of registration, among others. ● Artisanal (Section 52) fisheries are subject to a licensing obligation. To be licensed, canoes must be registered and bear the identity markings allocated by the Commission. ● Under Section 44(2) of the Act, in the context of consultations and approval of fishery plans, in order to assess and recommend appropriate management, development and conservation measures, the Director may “reasonably require a person to furnish relevant data and information, including fishing time and effort, landing, processing, sales and related transactions”. This provision is relatively broad and the Director may require SSF to provide 	<ul style="list-style-type: none"> ● Explicit provision that ensures the establishment of and functioning of a register of fishing vessels (see above), including recognition and registration of activities. ● Explicit obligation for SSF to provide data for MCS and for catch statistics. ● Policy statement on the need to facilitate the registration of boats and provision of documentation and of MCS data, by calling for the development of simplified and accessible systems.

		<p>information on fishing activities under this section.</p> <ul style="list-style-type: none"> All vessels, including SSF, may be required to produce copies of licences, logbooks, records or any other document to authorised officers under Section 96(2)(g). <p><u>2010 Fisheries Regulations:</u></p> <ul style="list-style-type: none"> The Schedule to the Regulations sets out the form (Form D) to be used when applying for registration and licence to operate a canoe. This includes details of the owner, vessel (location, registration number, horsepower, length, year built, etc.) and details of the crew. 	
IV. SOCIAL DEVELOPMENT, EMPLOYMENT			
6.5. SSFG	Policies/laws promote professional and organisational development for SSF for community, and formally recognise these for representative purposes.	<p><u>Fisheries Act 2002:</u></p> <ul style="list-style-type: none"> Section 4 of the Act sets out the composition of the Council of the Fisheries Commission, which is to include “two representatives of the National Fisheries Association of Ghana, one representing artisanal fishermen, and the other representing industrial fishing vessel owners”. In practice, however, the Ghana National Canoe Fishermen Council (GNCF) is the representative body of canoe fishers, but is not recognised in the legislation. In addition, there is no reference to any organisation or association representing women fish processors or traders. Section 51(1) provides that the Commission shall “take the action that it considers necessary to protect and promote artisanal and semi-industrial fishing”, including “(d) the promotion of the establishment and 	<ul style="list-style-type: none"> Explicit recognition of representative organisations of stakeholder groups, including for small-scale fisheries, in the representation of stakeholder interests, including in relation to the advisory body/Council. Policy recognition of the importance of professional and organisational organisation to SSF, and recommendation to develop ways to strengthen and facilitate the establishment of such organisations, including by recognising their existence and by involving their representatives in decision-making and co-management processes.

		<p>development of fishing, processing and marketing co-operative societies”.</p> <ul style="list-style-type: none"> • Under Section 38 of the Act, the moneys of the Fisheries Development Fund shall be applied “(c) to provide assistance to small scale fishery co-operative enterprises”. <p><u>Draft co-management policy</u></p> <ul style="list-style-type: none"> • The policy proposes the establishment of a number of co-management committees, including for the co-management of small pelagics, large pelagics and demersals. The policy specifically states that the committees can be established with representation from stakeholder groups, including the GNCFC and the National Fish Processors and Traders Association (NAFPTA), as well as the Ghana Inshore Fishermen Association (GIFA) that represents the semi-industrial sector. The policy suggests 10-15 members per committee. It also provides for inclusion of those actively involved in the fishery, including canoe owners and fish processors, as well as traditional authorities. 	
	<p>Policies/laws promote transparency, accountability, representativeness, equity and non-discrimination within and in regard of organisational development</p>	<p>The 2002 Fisheries Act and 2010 Fisheries Regulations do not address this issue explicitly in relation to organisational development.</p> <p>The 2015-2019 Fisheries Management Plan includes transparency and accountability amongst the guiding principles for implementation of the plan. However, this is in general terms.</p>	<ul style="list-style-type: none"> • Explicit recognition of the process by which representatives are selected, their duties and responsibilities, including: <ul style="list-style-type: none"> ○ selection of representatives through a transparent process, focusing on capacities, and fair selection procedures; ○ procedure for ensuring the representatives engage in stakeholder hearings and sharing of information; ○ documentation of process; ○ gender balance and equity in representation;

			<ul style="list-style-type: none"> ○ accountability of representatives for duties and responsibilities; ○ training and remuneration. ● Policy recognition of the importance of professional and organisational organisation of SSF, and recommendation to develop ways to facilitate the establishment of such organisations, including by recognising their existence and by involving their representatives in decision-making and co-management processes, on the basis of principles of transparency, accountability, representativeness, equity and non-discrimination.
6.12 SSFG	Policies/laws address occupational health and unfair working conditions of SSF and fish workers	<p><u>Fisheries Act 2002:</u></p> <ul style="list-style-type: none"> ● Section 47(3) provides that a licence shall not be issued for a local industrial or semi-industrial vessel unless the Council is satisfied that the vessel is seaworthy and fit for the purpose of fishing and conforms with the requirements that are applicable to the vessel under an enactment in force including requirement on navigation and safety equipment. However, this provision does not apply to artisanal fishing vessels. ● According to Section 76(2)(e), the Council may refuse to recommend the issue or renewal of a fishing licence, or may recommend suspension or cancellation, where “the fishing vessel does not meet the safety standards required under an enactment for the purpose for the time being in force” ● Section 77 provides that “a fishing licence or any other authorisation issued under this Act shall not relieve a licensee, or the master or crew of a fishing vessel of an obligation or a requirement imposed by law concerning 	<ul style="list-style-type: none"> ● Explicit reference to obligations in relation to occupational health, labour standards and working conditions in the context of issued licenses and authorisations ● Policy recognition that occupational health and unfair working conditions may be/are an issue in the country. Statement that an assessment of the situation must be made. Statement that measures to address this problem should be developed, with involvement of relevant stakeholders and organisations.

		<p>navigation, health, customs, immigration or any other matter.”</p> <ul style="list-style-type: none"> • According to Section 2, it is a function of the Commission, in collaboration with the competent authority, to establish requirements for manning fishing vessels and boats, safety for crew and vessels and for fishing gears in use to avoid damage by other vessels. However, it is not clear that such requirements have been elaborated with respect to SSF fisheries. 	
V. GENDER EQUALITY			
8.1. SSFG	Gender equality is mainstreamed in all policies/laws relevant to SSF	<p>The 2002 Fisheries Act and 2010 Fisheries Regulations do not address this issue explicitly.</p> <p>Ghana Gender Policy, 2015 does not address this issue explicitly. However, the policy has the objective of supporting the passage and implementation of an Affirmative Action Law, and to put in place transformative measures (including leadership development) that will enable women and men participate equally in achieving at least the 40% women representation in politics, on Boards and at all levels of decision making</p>	<ul style="list-style-type: none"> • Explicit reference to the need to ensure gender equity in the application of the legislation. Specific actions to be taken to ensure gender equity include: <ul style="list-style-type: none"> ○ representation of representative of women’s interest in advisory body; ○ organisational development of women’s interests and their recognition; ○ support in capacity building specifically targeting women. • Policy to provide reference to specific mechanisms to ensure gender equity, including by involvement of women in advisory boards, in co-decision-making and in co-management of resources.
8.2. SSFG	Policies/laws in line with international instruments to address discrimination against women	<p>The 2002 Fisheries Act and 2010 Fisheries Regulations do not address this issue explicitly. No reference to international instruments on human rights or those addressing discrimination against women.</p>	<ul style="list-style-type: none"> • Explicit reference to the need to address discrimination, including against women, in the application of the law, in accordance with international instruments. • Policy statement that recognises and promotes the implementation of international instruments to address discrimination against women and other human rights in the context of fisheries.
	Policies/laws require women to have a formal role in decision-making	<p>The 2002 Fisheries Act and 2010 Fisheries Regulations do not address this issue explicitly.</p>	<ul style="list-style-type: none"> • Explicit reference to inclusion of representative of women’s interests in advisory body, to be involved in the development of management strategies and

<p>processes for SSF policy development, or are encouraged to participate.</p>	<p>1992 Constitution Article 35 (6) of the Constitution gives the state the duty to take appropriate measures to achieve reasonable gender balance in recruitment and appointment to public offices.</p> <p><u>National Gender Policy 2015</u> On Women’s leadership and accountable governance, the policy aims to:</p> <ul style="list-style-type: none"> • enhance the participation of women in leadership, governance, and decision making at all levels through a well-developed institutional capacity and a healthy political environment based on the rule of law, government effectiveness, control of corruption, regulatory quality. • Review workplace and common area barriers to effective participation of women in governance processes. • Promote enabling political environment and commitments that reaffirm increased political will for the state to achieve gender equality in all sustainable development frameworks (including post MDGs) and other women empowerment targets. • Develop guidelines for mainstreaming women into decision-making processes at MMDA levels and into all public structures. • Promote political leadership mentoring for women at least from the tertiary levels of education. • Promote social-accountability networks at all tiers of government, particularly at the MMDA level and across all citizen representation 	<p>decisions over resources that affect the livelihoods of women, especially those in small-scale fisheries communities.</p> <ul style="list-style-type: none"> • Mandatory hearing and participation of women and other stakeholders potentially affected by decisions and management plans. • Explicit provision for processes to obtain compensation for small-scale fishers, including women, in case development and management decisions unnecessarily affect their livelihoods. • Training and support provided to women to effectively represent their interests and be involved in the management and policy decision processes that may affect their livelihoods, possibly with the support of the women’s representative within the advisory body. • Provision at policy level for a clear intention and mechanisms to facilitate the involvement of women in decision-making processes especially where related or affecting retail.
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		structures, where duty bearers will be made to demonstrate their responsiveness to the women's inclusion and participation and provision of service to all, specifically women, girls, boys and the vulnerable as prescribed in all state statutes and policies	
Policies/laws require women to have a formal role in management of SSF, or are encouraged to participate	The 2002 Fisheries Act and 2010 Fisheries Regulations do not address this issue. <u>Draft co-management policy:</u>	<ul style="list-style-type: none"> ● Policy provides that any co-management system must acknowledge the role of women in fisheries and their traditional institutions such as the <i>konkohene</i>. They must be represented on co-management committees and their voices heard in the management decision-making process. ● Policy also provides for establishment of co-management committees depending on the fishery unit to be managed and including representatives of all resource users directly benefiting from use of the resource. States that composition of co-management committees should be gender sensitive. A gender opposite co-chair or vice-chair should also be considered. 	<ul style="list-style-type: none"> ● Introduction of obligation to seek to establish as the preferred management option co-management through the involvement of, where possible, small-scale communities in the co-management of resources on which they depend for their livelihoods. ● Obligation to agree the co-management conditions with affected small-scale fisheries communities if co-management is possible, prior to initiating co-management. ● Provide suggested duties and responsibilities for co-management arrangements in relation to the resources that will be co-managed, including in relation to: <ul style="list-style-type: none"> ○ Access and limitation of access ○ Applicable management measures and their adoption ○ Data collection ○ Enforcement ○ Measures to be taken in case of non-compliance. ● Provision at policy level for a clear intention and mechanism to facilitate the involvement of women in management of SSF, especially where related or affecting retail. It is noted that the draft co-management policy fulfils this need.
Policies/laws require women to formally be represented in fisheries organisations, or encouraged to participate	The 2002 Fisheries Act and 2010 Fisheries Regulations do not address this issue. <u>National Gender Policy 2015</u>		<ul style="list-style-type: none"> ● Explicit recognition of representative organisations of stakeholder groups, including for small-scale fisheries, in the representation of stakeholder interests, including in relation to the advisory body. Explicit reference to the

		<p>On Women’s leadership and accountable governance, the policy aims to:</p> <ul style="list-style-type: none"> • enhance the participation of women in leadership, governance, and decision-making at all levels through a well-developed institutional capacity and a healthy political environment based on the rule of law, government effectiveness, control of corruption, regulatory quality. • Review workplace and common area barriers to effective participation of women in governance processes. • Promote enabling political environment and commitments that reaffirm increased political will for the state to achieve gender equality in all sustainable development frameworks (including post MDGs) and other women empowerment targets. 	<p>need for inclusion of women to ensure gender equity in the representation of interests.</p> <ul style="list-style-type: none"> • Explicit recognition of the process by which representatives are selected, their duties and responsibilities, including: <ul style="list-style-type: none"> ○ Selection of representatives through transparent process, focusing on capacities and fair selection procedures ○ Procedure for ensuring that representatives engage in stakeholder hearings and sharing of information ○ Documentation of process ○ Gender balance and equity in representation ○ Accountability of representatives for duties and responsibilities ○ Training and remuneration.
8.3 SSFG	Policies/laws set out clear implementation mechanisms to achieve gender equity	<p>The 2002 Fisheries Act and 2010 Fisheries Regulations do not address this issue.</p> <p><u>1992 Constitution</u></p> <p>The 1992 Constitution of Ghana broadly address equality of rights for women. The constitution provides in Article 17 that “a person shall not be discriminated against on grounds of gender... or economic status.” The provision further reads that “nothing in the article shall prevent Parliament from enacting laws that are necessary to provide for the implementation of policies and programmes aimed at addressing social, economic or educational imbalance in the Ghanaian society.”</p>	<ul style="list-style-type: none"> • See above. • Amend legislation to add that the Fisheries Development fund should be applied to provide technical and financial assistance to women in SSF. • Provision to allow women access to fishing resources and to register vessels.

		Importantly, the state is given a duty under Article 36(6) to “afford equality of economic opportunity to all citizens; in particular, the state shall take all necessary steps to ensure the full integration of women into the mainstream of the economic development of Ghana.”	
VI. NATURAL DISASTER RISKS AND CLIMATE CHANGE			
9.2. SSFG	Policies/laws that address disaster risk management and climate change adaptation in collaboration with SSF communities, and take into account special needs of SSF	<p>The 2002 Fisheries Act and 2010 Fisheries Regulations do not address this issue.</p> <p>However, The National Disaster Management Organization, Act, 1996 (Act 517) sets up a disaster management body in charge of addressing all disaster issues in Ghana.</p> <p>Also, the Ghana National Climate Change Policy, 2012 provides for the design and implementation of programmes on fisheries management and disease control, which integrate climatic and hydrological parameters. The Policy also aims to develop Climate Resilient Agriculture and Food Systems including supporting adaptation in fisheries sub-sector</p> <p>Furthermore, a National Climate Change Adaptation Strategy and National Climate Change Policy Action Programme for Implementation: 2015–2020 has been developed from the policy. The Programme includes plans to support research and development in the improvement of capture and culture fisheries management, effective enforcement of regulations within fisheries environments, scaling up of the adoption of aquaculture technologies and the provision of post-</p>	<ul style="list-style-type: none"> • Explicit reference to the need to ensure that stakeholder representatives of small scale fisheries interests are heard and involved in the development of climate change adaptation strategies, based on data on the small scale fisheries sector and the way climate change adaptation may affect their livelihoods

		harvest fish management infrastructure and other systems.	
9.6. SSFG	Policies/laws make specific reference to SSF in relation to adaptation support	The 2002 Fisheries Act and 2010 Fisheries Regulations do not address this issue	<ul style="list-style-type: none"> • Explicit reference in measures related to climate change adaptation support to take into consideration needs and interests of small-scale fisheries.
9.7. SSFG	Policies/laws on emergency response and disaster risk management strategies address SSF needs	<p>The 2002 Fisheries Act and 2010 Fisheries Regulations do not address this issue.</p> <p>See 9.2 above.</p>	<ul style="list-style-type: none"> • Explicit reference to take into consideration needs and interests of small-scale fisheries communities in the development and application of emergency response and disaster risk management strategies.
VII. POLICY COHERENCE, INSTITUTIONAL COORDINATION AND COLLABORATION			
10.2. SSFG	Policies and laws are in place for spatial planning and integrated coastal zone management, considerate of customary tenure systems and decision-making processes	<p>The 2002 Fisheries Act and 2010 Fisheries Regulations do not address this issue.</p> <p>The Fisheries Management Plan 2015-2019 refers broadly to the ecosystem approach to fisheries as a guiding principle.</p> <p>Integrated coastal zone management is not referred to in the management plan.</p> <p>There is a Land Use and Spatial Planning Act, 2016 (Act 925) which provides for a National Spatial Development Framework (NSDF). The NSDF is to prescribe the spatial aspects of the social and economic development and related human settlement as well as activities within the marine space of the country. The main objective of the NSDF is to achieve the judicious use of land and the equitable distribution of national infrastructure and facilities in various human settlements of the country. The NSDF is in the preparatory stages.</p>	<ul style="list-style-type: none"> • Explicit provision to ensure consideration and where possible application of spatial planning and integrated coastal zone management • Ensure multi-stakeholder consultations possibly through the establishment of a dedicated body (e.g. as a sub-body of the advisory body) or through ad hoc arrangements (depending on frequency). • Broad policy statement that position of SSF and customary tenure systems need to be considered and communities need to be involved in integrated practices such as ICZM.

10.4. SSFG	Policies/laws provide for a long-term vision for sustainable SSF and the eradication of hunger, using ecosystem approach to fisheries	<p>The 2002 Fisheries Act and 2010 Fisheries Regulations do not address this issue.</p> <p>The Fisheries Management Plan 2015-2019 refers broadly to the ecosystem approach to fisheries as a guiding principle. Improving food security is explicitly included under the goals of the management plan.</p> <p>The National Development Planning Commission Act, (Act 479) established the National Development Planning Commission (NDPC) and gives it the mandate to prepare broad national development plans. NDPC is currently in the process of finalizing the outline of a 40-year National Development Plan (2018-2057) for Ghana. The National Development plan is to address long term planning for all sectors of the economy and development.</p>	<ul style="list-style-type: none"> • Explicit reference to the long term vision for sustainable fisheries, including small-scale fisheries, and the eradication of hunger, based on the ecosystem approach to fisheries and other responsible fisheries measures.
10.5. SSFG	Policies/laws establish formal linkages, including national, regional and global, for policy coherence and cross-sectoral collaboration	<p><u>Fisheries Act 2002:</u></p> <ul style="list-style-type: none"> • Section 13 provides that the Commission shall co-operate fully with all government departments and agencies, and any other public authorities, in the performance of its functions under the act. • Section 45(1) provides for consultation with foreign governments, and particularly with governments of states sharing the same or interrelated fish stocks, with a view to ensuring the closest practicable harmonisation or co-operation of their fisheries management and development plans and regulations • Section 2(f) gives the commission the duty to promote sub regional, regional and 	<ul style="list-style-type: none"> • Explicit reference to the need for cross-sectoral consultation. • Consider potential to establish a subsidiary body to the advisory body, in which multi-sectoral interests are represented.

		<p>international co-operation in fisheries management.</p> <ul style="list-style-type: none"> • However, no formal institutional linkages have been established in the Act or the 2010 Fisheries Regulations. 	
VIII. ACCESS TO JUSTICE			
21.1. VGGT	<p>Policies/laws require access for all resource users (including SSF) to judicial and administrative bodies to resolve disputes.</p>	<p><u>1992 Constitution</u> Article 23 provides that administrative bodies and administrative officials shall act fairly and reasonably and comply with the requirements imposed on them by law and persons aggrieved by the exercise of such acts and decisions shall the right to seek redress before a court or other tribunal.</p> <p>The Constitution contains a chapter with comprehensive provision for rights, which includes right to work and protection from deprivation of property (Articles 20 and 24), with a right of access to the high court to enforce these rights.</p> <p><u>Legal Aid Scheme Act, 1997 (Act 542)</u> Act 542 establishes a Legal Aid Scheme that provides lawyers/ legal representation to the underprivileged/marginalised and vulnerable in society at no cost. This includes small-scale fishermen. The legal representation is for both criminal and civil matters.</p> <p><u>2002 Fisheries Act:</u></p> <ul style="list-style-type: none"> • Section 10 establishes a Fisheries Settlement Committee to hear and settle complaints from persons aggrieved in respect of matters arising from or related to the fishing industry. This is 	<ul style="list-style-type: none"> • Explicit reference to the need to ensure and facilitate that all resource users, in particular SSF, and vulnerable and marginalised people have access to judicial and administrative bodies to resolve disputes. • Setting up a specialised court for fisheries and related matters to SSF to improve the efficiency and effectiveness of justice delivery.

		<p>without prejudice to a right of action to the Court. According to Section 10(4), the Fisheries Settlement Committee shall regulate its own procedures and shall in its deliberations act with fairness and in accordance with natural justice.</p> <ul style="list-style-type: none"> Section 78 establishes a Fisheries Appeals Board to hear appeals against decisions to refuse to issue or renew licences, or to modify, cancel or suspend a licence. A person dissatisfied with the decision of the Appeals Board may seek redress from the Court of Appeal. 	
Policies/laws provide for access to alternative dispute resolution mechanisms, available to all, and at early stage of conflict	<p><u>Alternative Dispute Resolution Act, 2010 (Act 798)</u> Act 798 provides a legal framework for arbitration, mediation, customary arbitration, their procedure and the effect and enforcement of the awards.</p> <p><u>2002 Fisheries Act:</u></p> <ul style="list-style-type: none"> Section 10 establishes a Fisheries Settlement Committee to hear and settle complaints from persons aggrieved in respect of matters arising from or related to the fishing industry. This is without prejudice to a right of action to the Court. According to Section 10(4), the Fisheries Settlement Committee shall regulate its own procedures and shall in its deliberations act with fairness and in accordance with natural justice. 	<ul style="list-style-type: none"> Reference to need to develop effective and informal dispute settlement mechanisms accessible to all resource users, in particular SSF and vulnerable and marginalised people. 	
Policies/laws provide for right to appeal of decisions	<p><u>1992 Constitution</u> Article 23 provides that Administrative bodies and administrative officials shall act fairly and reasonably and comply with the requirements imposed on them by law and persons aggrieved by</p>		

		<p>the exercise of such acts and decisions shall the right to seek redress before a court or other tribunal.</p> <p><u>2002 Fisheries Act:</u></p> <ul style="list-style-type: none"> ● Section 78 establishes a Fisheries Appeals Board to hear appeals against decisions to refuse to issue or renew licences, or to modify, cancel or suspend a licence. A person dissatisfied with the decision of the Appeals Board may seek redress from the Court of Appeal. ● Section 116(8) provides that a person aggrieved by a decision of the Council with regard to the compounding of an offence may appeal to the High Court against a penalty imposed. ● Section 10(2) provides that the hearing of disputes before the Fisheries Settlement Committee is without prejudice to a right of action before the Court. 	
	<p>Policies/laws provide for fair and enforceable remedies</p>	<p><u>1992 Constitution</u> The Constitution contains a chapter (Articles 20 and 24) with comprehensive provision for rights which includes right to work and protection from deprivation of property, with a right of access to the high court to enforce these rights.</p> <p><u>Fisheries Act 2002</u></p> <ul style="list-style-type: none"> ● Section 82 provides for the payment of full compensation for destroyed gear, either in kind or in cash, and adequate compensation for lost fishing time, in the event that the fishing gear of an artisanal fisherman is destroyed within the IEZ. 	<ul style="list-style-type: none"> ● Provide for the obligation to negotiate compensation for losses in fishing opportunities for those who depend on fishing for their livelihoods as a result of human interventions, such as the negotiation of access agreements that have a negative impact on fishing.

		<ul style="list-style-type: none"> Section 129 provides that a person who wilfully damages or destroys a fishing vessel, gear or other fishing appliance is liable to a fine or term of imprisonment, and must fully compensate the aggrieved person for the damage or destruction. However, these types of compensation are related to offences only and not to broader damages SSF may suffer from due to legitimate development and fisheries practices. 	
21.2. VGGT	Policies/laws establish special tribunals or bodies to deal with SSF tenure rights disputes, and related matters (spatial planning, resource use, etc.)	The 2002 Fisheries Act and 2010 Fisheries Regulations do not make any provisions for special tribunals regarding SSF tenure rights.	<ul style="list-style-type: none"> Consider providing for the establishment of a dedicated tribunal or body to deal with SSF tenure rights disputes and related matters. Setting up a specialised magistrate court for fisheries and related matters to SSF to improve the efficiency and effectiveness of justice delivery.
21.3. VGGT	Policies/laws address and recognise customary or other established forms of dispute resolution and set minimum standards, including fairness, reliability, accessibility and non-discrimination	<p>The Alternative Dispute Resolution Act, 2010 (Act 789) provides for customary arbitration (Section 89). Customary arbitration requires the consent of both parties and provides adjudication of disputes by a person agreed by both parties.</p> <p>The customary arbitrator must apply the rules of natural justice and fairness and is not obliged to apply any legal rules of procedure in the arbitration.</p> <p>The award in a customary arbitration is binding between the parties and may be enforced in the same manner as the judgement of a court.</p>	

<p>21.4. VGGT</p>	<p>Policies/laws require that legal assistance is available to vulnerable and marginalised people to ensure access to justice</p>	<p>The 2002 Fisheries Act and 2010 Fisheries Regulations do not make provision for legal assistance.</p> <p><u>Legal Aid Scheme Act, 1997 (Act 542)</u> Act 542 establishes a Legal Aid Scheme that provides lawyers/ legal representation to the underprivileged/marginalised and vulnerable in society at no cost. This service is accessible also to small-scale fishermen. The legal representation is for both criminal and civil matters.</p>	<ul style="list-style-type: none"> ● Establishment of a fund for support to SSF, vulnerable and marginalised people to ensure access to justice.
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APPENDIX 2: LEGISLATIVE PROPOSALS

THEMATIC AREAS	RECOMMENDATION FOR LEGISLATIVE CHANGES	CURRENT POSITION OF THE LAW	SUGGESTED DRAFT
1. INSHORE EXCLUSION ZONE (IEZ)	Legislation should streamline the name of the Zone	The law is not consistent in the name given to the zone. It uses, “inshore exclusive zone” ⁱ ; “inshore exclusion zone” ⁱⁱ and “inshore economic zone” ⁱⁱⁱ to refer presumably to the same zone.	Sections 81(1), 82, 140 and Schedule to the Act, should be revised to use a consistent expression; preferably “inshore exclusion zone” in reference to the Zone.
	Clarification and extension in law of the IEZ boundary to reflect current pattern of fishing activities by artisanal and semi-industrial fleet.	The IEZ is the coastal waters between the coastline and the 30-metre isobaths or the 6 nautical miles off-shore limit whichever is farther. ^{iv} IEZ is to be used by exclusively by small semi-industrial vessels, canoes and recreational fishing vessels. ^v	Further consultation required on recommended limits of IEZ.
	Provision of legal limits and circumscribe the discretion given to the Fisheries Commission (FC) to authorize large semi-industrial vessels to enter the IEZ.	Despite a provision of this section, the Council may, at the periods that it considers appropriate, permit large semi-industrial vessels to enter the zone for the capture of cephalopods. ^{vi} In addition, the Director may, on written guidelines by the Council, exempt in writing a research or any other fishing vessel from subsection (4) or (5) (use of canoe support vessel to fish in the IEZ or towing gear within 30 metre zone).	1. Section 81(6) of the Fisheries Act should be amended to read: (a) Despite a provision in this section, the Council may, at the periods that it considers appropriate, permit large semi-industrial vessels to enter the zone for the capture of cephalopods. (b) A large semi-industrial vessel to which a permit is granted, under this section, shall not engage, in the zone, in any activity other than the capture of cephalopods. (c) The Council shall maintain a register of all permits granted under this section, containing information relating to: (a) the particulars of the vessel to which a permit has been granted, (b) the period of validity of the permit, and (c) any additional information relating to the permit determined by the Council.

		<p>In practice, tuna bait boats are granted authorisations to fish for anchovies as bait within the IEZ but these are not made publicly available.</p>	<p>(d) The register shall be opened for public inspection during the official working hours of the Commission and shall be made available on the website of the Commission.</p> <p>2. Section 81(7) of the Fisheries Act should be deleted.</p> <p>3. Section 81(8) of the Fisheries Act should be amended to provide penalties for the violation of subsection (6)(b), to read: (8) A person who contravenes subsection (3), (4), (5) or (6) (b) commits an offence and is liable on summary conviction to a fine of not less than...</p>
	<p>Requirement for the Commission to publish authorizations granted to carry out activities within the IEZ stating the period of the authorization and the permissible activities.</p>	<p>The Commission shall maintain a register of licences issued under this Act, containing information relating to:</p> <ul style="list-style-type: none"> • the vessel, person or project licensed, • the nature of the activity licensed, • the period of validity of each licence, and other additional information.^{vii} <p>Currently, there is no duty on the Commission to publish this register or make it accessible to the public.</p>	<p>See new Section 81(6)(c) and (d) above.</p>
	<p>Specification of the use rights for each of the categories of fishing vessels having access to the IEZ, including applicability of conservation and management measures (e.g. applicability of fishing seasons, gear specifications, species restrictions, etc.)</p>	<p>The Law only provides for the registration and licensing of small semi-industrial vessels, canoes and recreational fishing vessels^{viii}.</p> <p>But it is silent on the use rights of these vessels under their licenses However, there is a list of Prohibited Fishing Methods.^{ix}</p>	<p>After consultations, it was determined that the current state of the law, including regulations, is adequate to address the concerns identified.</p>

<p>2. CANOE REGISTRATION AND LICENSING</p>	<p>Legislation should clarify the requirements or procedure for registration and, if relevant, the licensing of artisanal canoes [including clarifying the functions devolved to District Assemblies with respect to the licensing of canoes]. Ensure public access to information.</p>	<p>The Law provides that a fishing licence shall not be issued for a canoe unless the canoe has been registered with the Commission through the District Assembly of the area where it is to be used.^x</p> <p>The law however also provides that the registration should be done with the District Assembly.^{xi} As a result of these two provisions, it is unclear whose mandate it is to register canoes.</p> <p>The law is also silent on what should be required during an application for registration of a canoe.</p>	<p>Section 55(1) of the Fisheries Act should be amended as follows:</p> <p>(1) An artisanal fishing vessel shall be registered by the Fisheries Commission, with the support of the District Assembly of the area where it is to be used.</p> <p>Section 55 of the Fisheries Act should be amended with the inclusion of the subsections (5), (6), (7), (8) (9) and (10), to read:</p> <p>“(5) For the purpose of the registration of a vessel under this section, the Fisheries Commission shall demand</p> <p>(a) in the case of a citizen, satisfactory proof of ownership by the person requiring to be registered as owner; and that the applicant is a citizen.</p> <p>(b) in the case of a company, satisfactory proof that the Company is registered in the Republic and under the relevant law in which the shares are beneficially held by a citizen.</p> <p>(c) in the case of a partnership satisfactory proof that the Company is registered in the Republic; and that the persons forming the partnership are citizens.</p> <p>(6) The registration of the canoe shall be granted without delay.</p> <p>(7) The District Assembly shall maintain a register of all artisanal vessels registered under this section, containing information relating to:</p> <p>(a) the particulars of the vessel, including the letters and numbers determined by the District Assembly;</p> <p>(b) the particulars of the person who applied for the registration;</p> <p>(c) the period of validity of the registration, and</p> <p>(d) any additional information relating to the registration determined by the District Assembly.</p> <p>(8) The District Assembly shall at the end of every quarter furnish the Commission with the register, including any relevant updates made to the register.</p>
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			<p>(9) The register shall be opened for public inspection by the District Assembly during the official working hours of the District Assembly.</p> <p>(10) The registers for each District Assembly shall be made available on the website of the Commission.</p>
	<p>The Law should clarify that an artisanal fishing vessel is the same as a canoe. In order to avoid confusion, the law should be streamlined to use consistent expressions.</p>	<p>The Law defines artisanal fishing as the traditional canoe fishing carried on by a citizen.^{xii}</p> <p>However, the law uses the expressions “canoe” and “artisanal fishing vessel” at various times, and presumably interchangeably.</p> <p>However, it does not define “artisanal fishing vessel” or clarify expressly that both mean the same thing within the Act.</p>	<p>Section 140 should be amended to include a definition for artisanal fishing vessel, to read</p> <p>“artisanal fishing vessel” means a canoe used for artisanal fishing.</p>
	<p>Provision that registration (and licensing) of artisanal fishing vessels should be at a fee determined in consultation with SSF associations.</p>	<p>Fee for Artisanal Fishing Licence shall be determined by the FC.^{xiii}</p>	<p>Section 56(1) of the Fisheries Act should be amended to provided that:</p> <ol style="list-style-type: none"> a. There shall be paid for the registration, issue and renewal of artisanal fishing licence the fee determined by council. b. Council shall determine the fees for the registration, issue and renewal of artisanal fishing licence in consultation with representatives of SSF associations.
	<p>The law should specify the size/features of canoes that qualify for artisanal fishing.</p>	<p>No provision in the law regarding sizes of canoes.</p>	<p>After consultations, it was determined that the current state of the law, including regulations, is adequate to address the concerns identified.</p>
	<p>Clarification of requirements/ procedure including grounds for approving or refusing an application, obligation to provide in writing the grounds for refusal of registration/ licensing.</p>	<p>No provision in law for:</p> <ul style="list-style-type: none"> • grounds for approving or refusing an application • obligation to provide in writing the grounds for refusal of registration/licensing. 	<ol style="list-style-type: none"> 1. Section 53(4) of the Fisheries Act should be amended to read (4) An artisanal fishing licence shall be granted without delay, and no later than 14 days after the application has been made. 2. Section 53 of the Fisheries Act should be amended with the inclusion of subsection (5), (6) and (7) to read: <p>(5) An application for artisanal fishing licence may be refused:</p>

			<p>(a) where the artisanal fishing vessel is determined upon proper inspection to be in an unseaworthy condition,</p> <p>(b) where granting such license will seriously impair conservation measures which have been adopted to protect the fishery resources from over-exploitation,</p> <p>(c) where such refusal is in accordance with the provisions of an approved fishery plan,</p> <p>(d) on such other relevant grounds as may be determined by the Council.</p> <p>(6) Where an application for an artisanal license is refused, notification of the refusal shall be given to the applicant within a period of 14 days after the application has been made.</p> <p>(7) A notification given under subsection (6) shall state the grounds of the refusal, and shall be in writing.</p> <p>3. Section 76 (4) and (5) of the Fisheries Act should be amended to read</p> <p>(4) Where a license is refused, suspended or cancelled, notification of the refusal, cancellation or suspension shall be given, as the case may be to the applicant, or to the person to whom the license was issued within a period of at least seven days before the effective date of the suspension or cancellation, or in the case of a refusal within a reasonable time after the application was made.</p> <p>(5) A notification given under subsection (4) shall state the grounds of the refusal, of the cancellation or of the suspension; and shall be in writing, but in the case of a foreign fishing vessel, the notification may be in writing or by telex, radio, facsimile or any other form the Director considers appropriate.</p>
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	<p>The law should clarify that only “local” vessels may engage in fishing activities in the IEZ.</p>	<p>The law does not prohibit foreign vessels from fishing in the IEZ. Due to inelegant drafting, the law does not establish that fishing in the IEZ by foreign vessels constitutes an offence. Instead, it appears that the law makes it possible for foreign vessels to engage in fishing in the IEZ as long as it is not a large semi industrial or industrial fishing vessel; doesn’t use a canoe support vessel or a towing gear in a 30 metre zone.^{xiv}</p>	<p>1. Section 81(3) of Act 625 should be amended to read “A person shall not use a foreign fishing vessel, a large semi-industrial vessel or an industrial fishing vessel for fishing inside the zone”</p> <p>2. Section 81(8) of Act 625 should be amended to read (8) A person who contravenes subsection (3), (4), (5) or (6) commits an offence and is liable on summary conviction to a fine of not less than</p>
	<p>The law should drop the inconsistent use of the qualifier “local” which is used to describe industrial and semi-industrial fishing vessels</p> <p>Dropping the qualifier local would mean that as long as it is not a foreign vessel, the industrial and semi-industrial fishing vessel will by default be local and must comply with section 47.</p>	<p>The lack of consistency in the use of the qualifier “local” to refer to certain types of vessels creates the impression that when the qualifier is not used the vessels referred to may include foreign vessels.</p> <p>Due to this inconsistent use of the qualifier, it is unclear whether only local vessels may engage in fishing in the IEZ</p>	<p>Amend the Fisheries Act to delete the use of the qualifier “local” in Sections 46, 47, 48, 49, 50, 65, 69, 74, 75, 76, 81, 84, 88, 89, 90, 91, 92, 115, 124, 127, 128, 129, 132, 134, 135, 137, 138, 139.</p>
	<p>Specification of the allowed use of registered vessels, including the conditions under which registered vessels may be transferred, and implications of change of ownership.</p>	<p>The Law only provides for the registration and licensing of canoes^{xv}. The laws states that Artisanal licences are transferable if the canoe obtaining the licence is of the same dimensions, characteristics and is to be operated in the same locality.</p>	<p>1. Section 57(1)(b) of the Act should be amended to include language to the effect that (b) “if the person to whom the licence is intended to be transferred meets the requirements under Section 52(2) (c) “if the original licence holder and the person to whom the licence is intended to be transferred jointly notify the intended transfer and any changes in the ownership of the canoe to the Director of Fisheries and the District Assembly of the area where the vessel was registered of the transfer of ownership in writing.”</p>

		<p>The Director of Fisheries must be notified of the transfer of the licence^{xvi}.</p> <p>But it is silent on:</p> <ul style="list-style-type: none"> • Transfer of the ownership of registered and licenced canoes. • The permitted activities of canoes. <p>Also, even though the law grants the task of registration of canoes to District Assemblies^{xvii}, it does not provide that they should be notified of any changes in the transfer of licence (including changes in ownership) of the canoe.^{xviii}</p> <p>The law does not make provision for the Director of Fisheries or the District Assembly to be notified where the transfer of the licence does not entail a change in the ownership of the vessel.</p>	<p>2. Section 57(1) of the Act should be amended to include a clause (d) the effect that “(d) provided that where the person to whom the licence is intended to be transferred intends to operate the vessel in a District Assembly other than the one in which the vessel was previously registered, the person shall apply for the vessel to be registered in the District Assembly of the area where the vessel is to be operated and shall be subject to section 55.</p>
<p>3. LANDING SITES</p>	<p>Provision for recording of access to fishing grounds and use of specific landing sites and on-shore facilities at registration.</p> <p>Recognition of the need to develop mechanisms, in conjunction with relevant authorities, to facilitate the granting of preferential access to landing sites and land on which on-shore fish processing facilities are</p>	<p>FC has the duty to promote development of artisanal fishing landing facilities^{xix}</p> <p>The Fisheries Commission has the duty to establish reserved areas for fishing activities of artisanal and semi-industrial fishing vessels.^{xx}</p>	<p>Section 51 of the Fisheries Act may be amended with the insertion of a subsection (3) to read “The Commission shall work with District Assemblies and fishing communities to identify, designate and develop areas as public landing sites and to regulate their exclusive use as artisanal fishing landing and fish processing sites for locals and displaced communities.”</p>

	<p>situated to fishers, especially small-scale, who depend on them.</p> <p>Requirement for District Assemblies with fishing communities to designate and own areas as public landing sites and to regulate their exclusive use as artisanal landing sites for locals and displaced communities.</p>		
<p>4. CO-MANAGEMENT AND FISHERY PLANS</p>	<p>Explicit obligation on the Fisheries Commission to address over-capacity in the fisheries sector, including by developing national plans of action to address over-capacity, carrying out capacity assessments and analysis of actions to be taken, and developing effective and complete fishing vessel records.</p>	<p>The Fisheries Act contains several provisions that capacitate the Fisheries Commission to enhance data gathering and information related to fisheries, so as to better prescribe measures for the conservation, management, development, licensing and regulation of fisheries or a particular fishery, including total allowable catch and quota system as the Minister considers appropriate.^{xxi}</p> <p>Section 42(1)(b) of the Fisheries Act also states that a fishery plan shall ensure optimum utilisation of fishery resources but avoid over-exploitation.</p>	<p>Section 42 of the Fisheries Act may be amended to insert new subsections (1) and (2) as follows:</p> <p>(1) The Fisheries Commission shall prepare a fishery plan for the management, conservation and development of fisheries, which shall:</p> <ul style="list-style-type: none"> (a) be based on the best scientific information available (b) ensure the optimum utilisation of the fishery resources but avoid over exploitation, and (c) be consistent with good management principles, including the need to ensure equitable access and redistributive reform. <p>(2) The fishery plan prepared in subsection (1) shall be reviewed annually.</p> <p>Section 43(e) of the Fisheries Act may be amended as follows: (e) shall specify the conservation measures to be enforced to protect the resources from over-exploitation, including through measures to address over-capacity</p>

	<p>Provision of obligation that all fisheries, including SSF, are carried out and planned in accordance with the principles and approaches supporting the conservation and sustainable use of the resources, and that access is regulated by way of such principles as the precautionary approach and ecosystem approach to fisheries.</p> <p>Explicit provision to ensure consideration and where possible application of spatial planning and integrated coastal zone management.</p>	<p>FC is to prepare a fishery plan for the management and development of fisheries. The plan is to be based on best scientific information, good management principles and avoid over exploitation.^{xxii}</p>	<p>Section 2(2)(c) should be amended to include language to the effect that</p> <p>(2) Without prejudice to the general effect of subsection (1), the Commission shall, in relation to fisheries, (c) ensure the proper conservation of the fishery resources through the prevention of over fishing; and the adoption of measures inspired by the precautionary principle and best ecosystem and integrated coastal zone management approaches.</p>
	<p>Requirement for the Fisheries Commission to consult with civil society organizations focused on fisheries, SSF associations and women groups in the preparation of fishery plans.</p> <p>Provision for the general public or concerned groups to submit concerns to the Fisheries Commission during the preparation of fishery plans and for these concerns to be taken into consideration in the finalization of the plan.</p>	<p>The law provides that FC is to carry out the consultations it considers appropriate, with organizations, authorities and persons affected by the fishery plans.^{xxiii}</p> <p>The current state of the law gives FC considerable discretion on whether and who to consult.</p>	<p>Section 44(1) of the Fisheries Act should be amended to read</p> <p>(2) The Council shall, during the preparation of each fishery plan, carry out public consultations with organisations, authorities, communities, groups and persons affected or likely to be affected by the fishery plan.</p> <p>(3) The stakeholders to be consulted shall include civil society organisations concerned with fisheries, associations representing the interests of artisanal fishers and women in fisheries and industrial fishing vessel owners.</p>

<p>Provision for mandatory hearing and participation of small-scale fishers and other stakeholders potentially affected by future decisions and management plans.</p>		
<p>Provision of mandate to the Minister for Fisheries to make regulations that provide for the development and establishment of co-management arrangements, structures and mechanisms.</p> <p>Explicit description of the process through which co-management arrangements must be developed, including setting up of a co-management structure/body, and provision of suggested duties and responsibilities including in relation to limitation of access and measures to be taken in case of non-compliance.</p> <p>Obligation to agree on the co-management conditions with affected SSF communities, if co-management is possible, prior to initiating co-management.</p>	<p>Section 139 gives the Minister the mandate to make regulations by L.Is.</p>	<p>Section 139(1) of the Act may be amended by the insertion of new clause before clause (t) to read (1) The Minister may, on the recommendations of the Council, by legislative instrument, make Regulations prescribing the development and establishment of co-management arrangements, structures and mechanisms, including the setting up of a co-management structure/body, and provision of duties and responsibilities including in relation to limitation of access and measures to be taken in case of non-compliance</p>
<p>Obligation for the Commission to take into</p>	<p>Section 45 of Act 625 provides that the Minister may, and shall on the</p>	<p>Section 45 of the Act may be amended to include language to the effect that</p>

	<p>consideration the interests of SSF communities in relation to shared stocks when deciding on shared management arrangements with neighbouring states, and to involve SSF communities in the negotiation process and co-management arrangements if their interests are affected.</p>	<p>advice of the Council, consult with foreign governments and in particular with governments of states sharing the same or interrelated fish stocks.</p> <p>There is, however, no provision in law to involve SSF communities in the negotiation process and co-management arrangements if their interests are affected.</p>	<p>(3) The Minister, in undertaking consultations under subsection (1), shall take into consideration the peculiar interests and concerns of artisanal fishing communities.</p> <p>(4) Prior to the adoption or conclusion of any bilateral, regional or sub-regional arrangement relating to reciprocal fishing rights, including management and development plans in pursuance to consultations under subsection (1), the Council shall carry out public consultations with local organisations, authorities, communities, groups and persons affected or likely to be affected by the arrangement or plan.</p>
	<p>Specification that in preparing the fishery plan, equitable access by all stakeholders and redistributive reform should be guiding principles.</p>	<p>Section 43 of Act 625 provides for the content of a fishery plan</p> <p>No provision in law on the guiding principles being equitable access and redistributive reform.</p> <p>Section 42(1) of the Fisheries Act provides that a fishery plan shall be consistent with good management principles, but there is no explicit reference to equitable access.</p>	<p>Section 43 of the Fisheries Act should be amended to include clause (i) to the effect that</p> <p>(i) A fishery plan shall, as far as practicable, be guided by the Directive Principles of State Policy as enshrined in Chapter 6 of the 1992 Constitution of Ghana</p> <p>See also amended Section 42(1)(c) above.</p>
	<p>Specification that membership of the Fisheries Commission governing body should include civil society organization, women’s association and small-scale fisher representatives.</p>	<p>Currently, the FC Board comprises representatives^{xxiv} of:</p> <ol style="list-style-type: none"> a. the Ministry responsible for Transport, b. the Ministry responsible for Defence c. the Ministry responsible for the Environment d. the Ghana Marine Fishing Officers Association, e. the Water Research Institute, f. the Ghana Irrigation Development Authority, 	<p>Section 4 of Fisheries Act, 2002 (Act 625) should be amended to read:</p> <p>(1) The governing body of the Commission is a Council consisting of</p> <ol style="list-style-type: none"> (a) the chairperson, (b) one representative each of <ol style="list-style-type: none"> (i) the Ministry responsible for Transport, (ii) the Ministry responsible for Defence, (iii) the Ministry responsible for the Environment, (iv) the Ghana Marine Fishing Officers Association, (v) the Water Research Institute,

		<p>g. two representatives of the National Fisheries Association of Ghana, one representing artisanal fishermen and the other representing industrial fishing vessel owners,</p> <p>h. one other person with requisite knowledge of the fishing industry</p>	<p>(vi) the Ghana Irrigation Development Authority, (vii) Civil Society Organizations involved in the Fisheries Sector.</p> <p>(c) five representatives of the fishing industry, including</p> <p>(i) two representatives of an association representing the interests of artisanal fishermen, nominated by the organisation in question. (ii) two representatives of an association representing the interests of women fish processors and traders, (iii) one representative representing the interests of industrial vessel owners.</p> <p>(d) one other person with requisite knowledge of fisheries management, and (e) the Director of the Commission.</p>
	<p>Specification of the situations in which the Commission (or the new stakeholder advisory body) must be consulted (e.g. development of fisheries management plans, policies, legislation and conclusion of access agreements), and where binding advice or collective agreements on fisheries management are required. Clarify procedure for developing advice by advisory body.</p> <p>Explicit reference to involvement of advisory body, which should include a representative of, among others, SSF interests, in the development of management strategies and</p>	<p>No provision in law</p>	<p>1. The Fisheries Act may be amended by the inclusion of Section 9A to read</p> <p>(1) “Without limiting the scope of section 9, the Council shall appoint a Fisheries Advisory Committee composed of not less than five and not more than seven members, consisting of non-members of the Council to advise the Council.</p> <p>(2) The Committee shall consist of non-members of the Council and shall be composed of eminent persons with requisite knowledge of the fishing industry or fisheries management, including artisanal fishers and vessel owners, civil society, academics and other relevant stakeholders.</p> <p>(3) The composition of the Committee shall take into account the need to ensure gender parity.</p> <p>(4) The Committee shall advise the Council on the performance of its functions under the Act, including, in respect of the development of fisheries management plans, policies, legislation, conclusion of access agreements and any other decision affecting the livelihoods of artisanal fishers.”</p>

	<p>decisions over resources that affect the livelihoods of small-scale fishers.</p>		
	<p>Provision of legal basis for SSF to contribute to MCS, including reporting on sightings of unregistered vessels engaged in fishing, and of vessels engaged in IUU fishing activities, and obligation on SSF to provide data for MCS and catch statistics.</p>	<p>The law provides for the establishment of a Fisheries Monitoring, Control, Surveillance and Enforcement Unit (MCSE) ^{xxv}.</p> <p>MCSE is to comprise personnel from the Ghana Navy, Ghana Air Force, an attorney from the Ministry of Justice and the secretariat of the FC and other members as determined by the Minister for Fisheries.</p>	<p>Section 94 of the Act may be amended to include the following provisions (7) and (8) to the effect that</p> <p>(7) The enforcement unit shall in the performance of its activities cooperate with relevant ministries, agencies and District Assemblies and various coastal and other fishing communities, in order to enhance the effectiveness of its work.</p> <p>(8) Information on enforcement action undertaken by the Fisheries Enforcement Unit, including response to reports by the general public, shall be made available on the Commission’s website.</p>
	<p>Provision for cross-sectoral stakeholder consultations possibly through the establishment of a dedicated body (e.g. as a sub-body of the advisory body/council) in which multi-sectoral interests are represented or through ad hoc arrangements, depending on frequency.</p>	<p>No provision in law</p>	<p>The reconfiguration of the composition of the Governing Body (Council), and the provision for an Advisory body (Fisheries Advisory Committee) sufficiently addresses this concern.</p>
	<p>Provision of public access to information on fisheries management.</p>		<p>The Amendment of Part Five (Miscellaneous Provisions) of the Act to include a new section:</p> <p><u>Public access to information on fisheries resource management</u></p> <p>(1) The Commission shall make information on the management of fisheries resources available on its website, and available for public inspection at its office and on request by a member of the public.</p> <p>(2) The information referred to in subsection (1) shall include:</p> <p>a. The current fishery plan</p>

			<p>b. A report on the various consultations undertaken in respect of the adoption of the fishery plan.</p> <p>c. Any other information or register required to be maintained by the Commission under this Act.</p> <p>(3) A request for information under subsection (1) shall be in writing to the Commission.</p> <p>(4) The Commission shall respond to the request in writing within fourteen days of receipt of the request.</p>
<p>5. REGULATION OF INDUSTRIAL FISHING</p>	<p>Requirement for the Fisheries Commission to publish or give notice of all applications for fishing licences submitted by operators of industrial and foreign vessels.</p> <p>Establishment of a mechanism for the provision of inputs from stakeholders and for such inputs to be taken into consideration in deciding whether or not to grant the licence.</p>	<p>The law only provides that Fisheries Commission is to keep a register of licences issued containing information on:</p> <ul style="list-style-type: none"> • the vessel, person or project licensed, • the nature of the activity licensed, • the period of validity of each licence, and other additional information.^{xxvi} <p>There is no duty on FC to publish application for licences, the register of licences or make such accessible to the public.</p>	<p>Section 64 of the Fisheries Act should be amended by the addition of Section 64(4) to read:</p> <p>(4) Prior to the adoption or conclusion of any access arrangement under subsection (1), the Council shall carry out public consultations with local organisations, authorities, communities, groups and persons affected or likely to be affected by the arrangement.</p> <p>Section 70 of the Fisheries Act should be amended by the addition of subsection to read:</p> <p>(3) As soon as an application for licence has been received by the Commission in accordance with section 69, and before the application is referred, where applicable, to the fishery licence evaluation committee, the Commission shall publish the applications on its website and make available copies of the application upon request.</p> <p>(4) Where within 7 working days of the publication of the application, the Commission receives a petition objecting to the issuance of the fishing licence, the Commission shall forward a copy of the petition to the applicant.</p> <p>(5) The applicant for a licence on receipt of the petition under subsection (4) may respond to the petition within 7 working days of the receipt of the petition.</p> <p>Where an application is referred to a fishery licence evaluation committee, the evaluation committee shall for the purpose of its</p>

			<p>evaluation take into consideration any petition and response to the petition received in regard of the application.</p> <p>Section 79 of the Fisheries Act should be amended by the addition of sub-section (2) and (3), to read:</p> <p>(2) The register shall be opened for public inspection during the official working hours of the Commission.</p> <p>(3) Every quarter, the Commission shall publish the register in the Gazette and shall make it available on the website of the Commission.</p>
	Express requirement for parliamentary approval of licences/ fisheries rights issued to large industrial vessels and foreign vessels, or for the exploitation of fishery resources of a specified magnitude.	No provision under the law	<p>Section 69 of the Fisheries Act should be amended by the addition of Section 69(3) to read:</p> <p>Where a fishing licence is issued for a purpose other than artisanal fishing or recreational fishing, that licence shall be subject to ratification by Parliament in accordance with article 268 of the 1992 Constitution.</p> <p>Section 64 of the Fisheries Act should be amended by the addition of Section 64(5) to read:</p> <p>(5) An access arrangement shall be subject to ratification by Parliament in accordance with article 268 of the 1992 Constitution.</p>
	Ensure regulations are in place to eliminate the incentive for industrial vessels to harvest non-target species and juveniles that undermines the sustainable management of fish stocks and threatens the livelihoods of small-scale fishers. This includes the prohibition of transshipment at sea, implementation of strict controls on industrial by-catch and adoption of a landing obligation	There is a list of Prohibited Fishing Methods. ^{xxvii}	<p>After consultations, it was determined that the current state of the law adequately addresses the concerns raised. However, for the avoidance of doubt and to ensure clarity of implementation, it is suggested that Section 132(1) of the Fisheries Act be amended as follows:</p> <p>“(1) Transshipment of fish shall only be permitted to take place at an authorised port, except in situations of force majeure”</p>

	(obligation to land all catch at port for inspection and prohibition against discarding at sea).		
6. LARGE-SCALE DEVELOPMENT, ACCESS AGREEMENTS AND COMPENSATION	Provision for mandatory consultation of potentially affected stakeholders prior to concluding fishing access agreements and other large-scale developments that may affect SSF, and specification of procedure for consultation/involvement of stakeholders.	FC has the duty to take the action that it considers necessary to protect and promote artisanal and semi-industrial fishing. ^{xxviii} No provision in law for FC to consult potentially affected stakeholders prior to concluding fishing access agreements.	This is partly addressed by the amendment to Section 64 (require public consultations prior to conclusion of access arrangements). The recommendations below for the Amendment of Section 93 provides for public consultations with artisanal fishing dependent communities and other public groups likely to be affected by the operations of any undertaking that has or is likely to have adverse effects on artisanal fishing or on the livelihoods of communities dependent on artisanal fishing. Section 64 of the Fisheries Act should be amended by the addition of Section 64(4) to read: (4) Prior to the adoption or conclusion of any access arrangement under subsection (1), the Council shall carry out public consultations with local organisations, authorities, communities, groups and persons affected or likely to be affected by the arrangement.
	Provision for processes to obtain compensation for small-scale fishers in case activities or development decisions unnecessarily affect their livelihoods. Provision of obligation to negotiate compensation for losses in fishing opportunities for those who depend on fishing for their livelihoods as a result of human interventions, such as the negotiation of access	Law gives the Fisheries Commission the duty to take the action that it considers necessary to protect and promote artisanal and semi-industrial fishing. ^{xxix}	Section 93 should be amended to read 1. A person or government department or any other agency conducting or planning to conduct an activity other than fishing, which is likely to have an adverse impact on the fishery resources or any other aquatic resources of the Republic, or which is likely to have adverse effects on artisanal fishing or on the livelihoods of communities dependent on artisanal fishing shall inform the Commission of the plans prior to the commencement of the planned activity, or where the activity is ongoing within 3 months of the coming into force of this Act. 2. Where the adverse impact or effects are likely to be substantial, the Commission shall require a report from the person or government department or any other agency conducting or planning to conduct an activity identified under subsection (1).

	<p>agreements that have a negative impact on fishing.</p>		<ol style="list-style-type: none"> 3. Where the Commission considers that any undertaking in existence has or is likely to have a substantial impact on the fishery resources or any other aquatic resources of the Republic, or is likely to have adverse effects on artisanal fishing or on the livelihoods of communities dependent on artisanal fishing, the Commission shall issue a written notice requesting the person, government department or any other agency responsible for the activity to submit a report in accordance with subsection (4). 4. A report requested under subsections (2) and (4) shall include <ol style="list-style-type: none"> a. detailed description of likely impact of the activity or planned activity on the fishery resources or other aquatic resources of the Republic, or on artisanal fishing or on the livelihoods of communities dependent on artisanal fishing; b. proposals for payment of compensation for possible damage to fish stocks or marine environment from the operation of the undertaking; c. proposals to mitigate any adverse impacts, including potential negative socio-economic, cultural and public health impacts on artisanal fishing or on artisanal fishing dependent communities; d. any other matters that may be determined by the Commission. 5. The Commission shall make such relevant recommendations to mitigate the identified likely adverse effects which shall be complied with by the person, government department or other agency in the planning of the activity or undertaking the activity. 6. Prior to issuing recommendations under subsection (5), the Commission shall initiate consultations with members of the public affected or likely to be affected by the operations of the activity, particularly including artisanal fishing dependent communities. 7. Recommendations issued by the Commission under subsection (5) shall consist of measures targeted at the prevention, elimination, reduction or control of the adverse
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			<p>effects of the activity, and shall include restitution, for any damage to fishery or other aquatic resources or to artisanal fishing caused by the activity, through replacement, restoration, compensation or any other means determined by the Commission.</p> <p>8. The requirements under this section are in addition to any other requirements of the Environmental Protection Agency.</p> <p>9. Any person or government department who commences or continues an activity without informing the Commission in contravention of this section or fails to comply with a notice of the Commission or fails to comply with recommendations issued under subsection (5) commits an offence and is liable on summary conviction to a fine of not less than \$200,000 and not more than \$2 million.</p>
	<p>Clarification of the situations for which Fisheries Impact Assessments should be mandatory, including provisions on public hearing, access to information and stakeholder participation in the process. Alternatively, provision of legal requirement for the Fisheries Commission to elaborate guidelines to assess fisheries impacts as part of the EIA process.</p>	<p>Currently FC in its own discretion may require the performance and/or submission of a Fishery Impact Assessment for activities other than fishing which may have substantial impact on fisheries.</p> <p>For the EPA, it is mandatory to undertake an EIA for the following activities:</p> <p>(a) construction of fishing harbors;</p> <p>(b) harbor expansion;</p> <p>(c) land-based aquaculture undertaking</p>	<p>The proposed amendment to Section 93 above adequately addresses this concern, by (1) omitting under subsection (1) “substantial” as a measure of the adverse effects before the Commission is informed of any activity; (2) giving the Commission the power to determine whether the effects are substantial (see subsection 2); and (3) by granting an independent power to the Commission to act where it determines that such effects are substantial (subsection 3).</p>
<p>7. ACCESS TO JUSTICE, SETTLEMENT OF DISPUTES</p>	<p>Provision of effective and informal dispute settlement mechanisms to ensure that all resource users, in particular SSF, and vulnerable and marginalized people, have access to judicial and administrative bodies to resolve disputes.</p>	<p>FC has the mandate to hear and determine complaints from persons aggrieved in respect of matters arising from or related to fishing activities and the fishing industry generally^{xxx}</p>	<p>FC’s mandate (through the Fisheries Settlement Committee) to hear and determine complaints from persons aggrieved in respect of matters arising from or related to fishing activities and the fishing industry generally sufficiently addresses this concern.</p> <p>Section 2(2) may be amended with the inclusion of a clause to read</p>

	<p>This may include the establishment of a dedicated tribunal or body to deal with SSF tenure rights disputes and related matters.</p> <p>Establishment of a specialized magistrate court for fisheries and related matters to SSF.</p>		<p>Without prejudice to the general effect of subsection (1), the Commission shall, in relation to fisheries perform the following functions:</p> <p>The Council shall take steps to collaborate with the Chief Justice of the Republic towards the establishment of a division of the District Court which would be mandated to deal with fishery related matters including artisanal tenure rights.</p>
	<p>Establishment of a fund to support SSF, vulnerable and marginalized people to ensure access to justice.</p>	<p>There is currently a Fishery Development Fund with the objective of promoting and developing fisheries in the country.^{xxxix}</p>	<p>Section 38 of Fisheries Act, 2002 (Act 625) should be amended by the addition of a sub-section (f) to read:</p> <p>The moneys of the Fund shall be applied: (f) to support artisanal fishers, and vulnerable and marginalized people in fisheries in order to enhance their access to justice, including their ability to appeal decisions of the Minister to cancel or suspend a licence, and to obtain compensation in case developments, access arrangements or fishery plans negatively impact their livelihoods.</p>
	<p>Provision of specific task of the Fisheries Commission to provide capacity development and support access to justice, targeting SSF and related sectors, including express reference to women. Funding to enable this could be generated through taxes on small-scale fishing revenues.</p>	<p>Law gives FC the duty to take the action that it considers necessary to protect and promote artisanal and semi-industrial fishing.^{xxxix}</p> <p>No provision in law of specific tasks.</p>	<p>Section 2(2) of Fisheries Act, 2002 (Act 625) should be amended by the addition of a clause (q) to read:</p> <p>Without prejudice to the general effect of subsection (1), the Commission shall, in relation to fisheries (q) provide capacity development and support access to justice particularly for artisanal fishers and women in fisheries.</p>
	<p>Provision of specific task of the Fisheries Commission to provide training and support to SSF communities.</p>	<p>Law gives FC the general duty to take the action that it considers necessary to protect and promote artisanal and semi-industrial fishing.^{xxxix}</p>	<p>Section 2(2) of Fisheries Act, 2002 (Act 625) should be amended by the addition of a clause (r) to read:</p>

		No specific provision in law for FC to train SSFs	Without prejudice to the general effect of subsection (1), the Commission shall, in relation to fisheries (r) provide technical training and support to artisanal fishing communities
8. SSF ASSOCIATIONS	<p>Legislation recognizing the process by which representatives of SSF organizations are selected, their duties and responsibilities, including:</p> <ul style="list-style-type: none"> • selection of representatives through a transparent process, focusing on capacities, and fair selection procedures; • procedure for ensuring the representatives engage in stakeholder hearings; • sharing of information; • documentation of process; • accountability of representatives for duties and responsibilities; and • training and remuneration. 	No provision in law	<p>Section 139(1) should be amended with the addition of a clause to read</p> <p>(1) The Minister may, on the recommendations of the Council, by legislative instrument, make Regulations</p> <ol style="list-style-type: none"> a. Prescribing procedures for the selection of the representatives of Small-scale Fishery Associations by the Associations to the Council under Section 4, through a transparent process, focusing on capacities, and fair selection procedures. b. Ensuring the accountability of representatives of Small-scale Fishery Associations by the Associations to the Council c. Prescribing procedures for ensuring the Small-scale Fishery Associations and artisanal communities engage in stakeholder hearings and public consultations. d. Ensuring the accessibility of information to fisheries related laws, activities, enforcement actions, and any relevant developments.
9. GENDER EQUALITY	<p>Explicit requirement for the inclusion of a representative of women’s associations (fish processors and traders) in the Fisheries Commission’s governing Board.</p>	No provision in law	<p>The above proposed recommendations for amendments to Sections 2, 4, 9A and 38 of Act 625 sufficiently address this concern</p>

	Requirement for the mandatory hearing and participation of women and other stakeholders potentially affected by decisions and management plans.		
	Explicit provision for processes to obtain compensation for SSF, including women, in case development and management decisions unnecessarily affect their livelihoods.	No provision in law	The above proposed recommendations for amendments to Section 93 sufficiently address this concern
	Inclusion of specific provision to ensure fisheries legislation is consistent with national gender policies.	No provision in law	<p>Section 2(2)(b) of Fisheries Act, 2002 (Act 625) should be amended by the addition of language that reads:</p> <p>Without prejudice to the general effect of subsection (1), the Commission shall, in relation to fisheries</p> <p>(b) establish priorities for the utilisation of fishery resources which will provide the greatest benefits to the country, taking into account the Directive Principles of State Policy contained in Chapter 6 of the 1992 Constitution</p> <p>Section 2(2) of Fisheries Act, 2002 (Act 625) should be amended by the addition of a clause (s) to read:</p> <p>Without Prejudice to the general effect of subsection (1), the Commission shall, in relation to fisheries</p> <p>(s) ensure that the preparation and review of plans for the management and development of fisheries are consistent with the national gender policy and protects the interest of artisanal fishers.</p>

			The Fisheries Act should be amended to substitute all references to “fishermen” for “fishers” in sections 2, 4, 62, 64, 82
	Explicit provision that the Fisheries Development Fund should be applied to provide technical and financial assistance to women in fisheries.	No provision in law	Section 38 of Fisheries Act, 2002 (Act 625) should be amended by the addition of a sub-section (g) to read: The moneys of the Fund shall be applied: (g) to provide technical and financial assistance to women in fisheries, including access to capacity building, credit and business opportunities.
	Explicit requirement for the inclusion of a representative of women’s associations (fish processors and traders) in the Fisheries Commission Governing Body.	No provision in law	Section 4 of Fisheries Act, 2002 (Act 625) should be amended to read: (1) The governing body of the Commission is a Council consisting of (a) the chairperson, (b) one representative each of (i) the Ministry responsible for Transport, (ii) the Ministry responsible for Defence, (iii) the Ministry responsible for the Environment, (iv) the Ghana Marine Fishing Officers Association, (v) the Water Research Institute, (vi) the Ghana Irrigation Development Authority, (vii) Civil Society Organizations involved in the Fisheries Sector. (d) five representatives of the fishing industry, including (i) two representatives of an association representing the interests of artisanal fishermen, nominated by the organisation in question. (ii) two representatives of an association representing the interests of women fish processors and traders, (iii) one representative representing the interests of industrial vessel owners. (d) one other person with requisite knowledge of fisheries management, and (e) the Director of the Commission.

	<p>Reference specific actions to be taken to ensure gender equity in the application of the legislation including:</p> <ul style="list-style-type: none"> • the inclusion of a representative of women’s interests in the advisory body; • the organizational development of women’s interests and their recognition; and • support in capacity building specifically targeting women. 	No provision in law	The above proposed recommendations for amendments to Sections 2, 4, 9A, 38 of Act 625 sufficiently address this concern.
10. CLIMATE CHANGE	<p>Legislation should recognize the need to ensure that stakeholder representatives of small-scale fisheries interests are heard and involved in the development of climate change adaptation strategies, based on data on small scale fisheries sector and the way climate change adaptation may affect their livelihoods.</p>	No provision in law	<p>Section 2(2) of Fisheries Act, 2002 (Act 625) should be amended by the addition of a clause (u) to read</p> <p>Without prejudice to the general effect of subsection (1) the Commission shall, in relation to fisheries (u) develop, as relevant, climate change adaptation strategies, taking into account, among others, research relating to the artisanal fisheries sector and the way climate change adaptation may affect the livelihoods of artisanal fishing communities.</p>
11. WORKING CONDITIONS	<p>Explicit reference to obligations in relation to occupational health, labour standards and working conditions in the context of issued licenses and authorisations</p>	No provision in law Ghana has not ratified ILO’s C188 - Work in Fishing Convention, 2007 (No. 188)	<p>Section 77 (1) of Fisheries Act, 2002 (Act 625) should be amended to read</p> <p>“A fishing licence or any other authorisation issued under this Act shall not relieve a licensee, or the master or crew of a fishing vessel of an obligation or a requirement imposed by law concerning navigation, labour, health, customs, immigration or any other matter.”</p>

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- ⁱ Section 81(1), 82, of the Fisheries Act, 2002 (Act 625)
- ⁱⁱ Section 140 of Act 625 [See definition of “inshore exclusion zone”.]
- ⁱⁱⁱ Section 140 of Act 625 [See definition of “zone”]; and Schedule 81 [1] defining the area of the Zone.
- ^{iv} Section 81 and Schedule to (Act 625)
- ^v Section 81(2) of Act 625
- ^{vi} Section 81(6) of Act 625
- ^{vii} Section 79 of Act 625
- ^{viii} Section 52, 60 and 69 of Act 625.
- ^{ix} Regulation 11 of the Fisheries Regulation, 2010 (L.I 1968)
- ^x Section 52(2) of Act 625.
- ^{xi} Section 55 of Act 625.
- ^{xii} Section 140 of Act 625
- ^{xiii} Section 56 of Act 625
- ^{xiv} Section 81(8) of Act 625.
- ^{xv} Section 52, 60 and 69 of Act 625.
- ^{xvi} Section 57 of Act 625
- ^{xvii} Section 55 of Act 625
- ^{xviii} Section 57 of Act 625.
- ^{xix} Section 51 of Act 625
- ^{xx} Section 51 of Act 625
- ^{xxi} Sections 2, 42, 43, 139 of Act 625. See also Fisheries Regulations, 2010 (LI 1968)
- ^{xxii} Section 42 of Act 625
- ^{xxiii} Section 44(1).
- ^{xxiv} Section 4 of Act 625.
- ^{xxv} Section 94 of Act 625
- ^{xxvi} Section 79 of Act 625
- ^{xxvii} Regulation 11 of the Fisheries Regulation, 2010 (L.I 1968); See also Regulations 31, 32, 33 of LI 1968,
- ^{xxviii} Section 51 of Act 625
- ^{xxix} Section 51 of Act 625
- ^{xxx} Section 2 of Act 625
- ^{xxxi} Section 38 of Act 625
- ^{xxxii} Section 51 of Act 625
- ^{xxxiii} Section 51 of Act 625