

# Improving transparency and accountability in the governance of Ghana's fisheries sector

## *Roundtable discussion*

***Thursday 29<sup>th</sup> November 2018***  
***AH Hotel, East Legon, Accra***

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## Summary

- Transparency is increasingly recognized as a key pillar of natural resources management, including responsible fisheries governance<sup>1</sup>. The African Union estimates that US\$2-5 billion is lost annually due to the mismanagement of African fisheries, citing inadequate transparency and accountability among the implicating factors, and the limited structured participation of users and non-state actors in policy formulation and resource management efforts<sup>2</sup>. Providing access to credible information is a low cost yet highly effective means of enhancing accountability of government institutions, ensuring meaningful participation of stakeholders in decision-making, and tackling the illegal fishing operations that thrive in opaque operating environments<sup>3</sup>.
- Fishing industry associations, civil society organisations, regulators, development partners and the media met in Accra on 29<sup>th</sup> November 2018 at a roundtable on the theme: **Improving transparency and accountability in the governance of Ghana's fisheries sector**. The roundtable was a follow up to similar events at the behest of civil society and development partners since 2014. It considered the role of transparency and accountability as pillars of good governance of natural resources; the principles of the global Fisheries Transparency Initiative (FiTI) and their application in Ghana; and the experience of implementing the Extractive Industries Transparency Initiative (EiTI) in the mining, oil and gas sectors. The roundtable also sought to identify the transparency and accountability challenges in the fisheries sector, and to map a way forward.
- Participants of the roundtable noted that on two separate occasions in March and September 2018, the President of the Republic of Ghana, Nana Addo Dankwa Akufo-Addo, met with Dr. Peter Eigen, founder of Transparency International (TI), the EiTI and the FiTI, and committed Ghana to implementing the FiTI.
- The roundtable **discussed**:
  - Recent progress towards improving transparency in the fisheries sector, including under the West Africa Regional Fisheries Programme (WARFP), the dialogue process with the European Union as part of the 2013 yellow card, and the Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels developed by the United Nations Food and Agriculture Organization (FAO).
  - The benefits of improved transparency in terms of providing the basis for more meaningful, structured participation of stakeholders in decision-making, enhancing trust between interest groups, improving regional cooperation and law enforcement, and attracting investment.
  - The crucial contribution of transparency and accountability to increasing state revenue for development through addressing leakages and redirecting revenue to state channels.
  - How revenue reporting and audits under the Ghana EITI have increased revenue to government from the mining, oil and gas sectors.

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<sup>1</sup> Website of the Fisheries Transparency Initiative <http://fisheriestransparency.org/>

<sup>2</sup> AUC-NEPAD (2014). *The Policy Framework and Reform Strategy for Fisheries and Aquaculture in Africa*.

<sup>3</sup> See, for example: EJF (2018) Out of the shadows. Improving transparency in global fisheries to stop illegal, unreported and unregulated fishing.

- How under the EITI, data on revenue and licences are now available online and progress has been made towards publishing information that hitherto was not available to the public.
  - The need to build capacity and understanding among stakeholders of the importance of transparency and accountability in fisheries management and governance, and the benefits of implementing the FiTI.
  - Priority areas for improved transparency, including with regard to fisheries prosecutions and out of court settlements, the allocation of fishing licences, especially for the industrial trawl sector, revenue and utilisation of funds.
  - The impediments to transparency, including bureaucratic structures for the handling and sharing of information, political control and interference in fisheries issues, and excessive discretionary powers.
  - The opacity around beneficial ownership of fishing vessels, the need to “lift the veil” to address issues of conflicts of interest and loss of revenue overseas, and the impact on sustainable management and law enforcement in the fisheries sector.
  - The need for industry to provide accurate information to the Fisheries Commission on revenues, amount of fish caught and repatriation of funds, in order for this information to be made available to the public.
  - The status of the legal framework and opportunities for improving transparency and accountability through the revision of the 2002 Fisheries Act, Act 625, and recognition of the fisheries sector in the GHEITI bill.
- The roundtable **declared**:
    - Support for the President’s expression of intent to implement the FiTI in Ghana.
    - That the government is encouraged to register Ghana’s interest with the FiTI International Secretariat as soon as possible to provide the opportunity to move forward with the FiTI process.
    - That the government needs to improve transparency in a number of key areas and as a matter of priority must routinely publish and maintain updated information on sanctions imposed for fisheries offences, licensing of industrial vessels, vessel ownership, and utilisation of the fisheries development fund, as well as observer reports and annual reports of the Fisheries Commission.
    - Support for establishment of an online and publicly accessible licensing and revenue-reporting system in the fisheries sector, as implemented for mining licences and revenue by the Minerals Commission.
    - That reform of the Fisheries Commission board is urgently needed to ensure adequate representation of industry and civil society in the decision-making process and to guide implementation of necessary reforms in the management and governance of the fisheries sector.
    - That provisions to improve transparency and accountability in the fisheries sector should be incorporated into the revision of the 2002 Fisheries Act, Act 625, including with respect to

publication of information, reducing the discretionary powers of the Minister and reform of the composition of the Fisheries Commission board.

- The readiness of all stakeholders, from industry, to civil society and regulators, to work together to improve transparency and accountability in the fisheries sector, and drive forward implementation of the FiTI in Ghana.

## Background

Transparency is increasingly recognized as a key pillar of natural resources management, including responsible fisheries governance<sup>4</sup>. The African Union estimates that US\$2-5 billion is lost annually due to the mismanagement of African fisheries, citing inadequate transparency and accountability among the implicating factors, and the limited structured participation of users and non-state actors in policy formulation and resource management efforts<sup>5</sup>. Providing access to credible information is a low cost yet highly effective means of enhancing accountability of government institutions, ensuring meaningful participation of stakeholders in decision-making, and tackling the illegal fishing operations that thrive in opaque operating environments<sup>6</sup>.

The 2014 report by the Africa Progress Panel<sup>7</sup> called on governments to increase transparency in the continent's fisheries, as a means of ensuring that the resources are harnessed on a sustainable basis for development. The Panel set out a number of recommendations to achieve this goal, including:

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

The African Union has made similar calls for increased transparency in the fisheries sector, recommending the publication of vessel licenses and registration lists, licensing procedures, fisheries agreements and information on IUU fishing cases<sup>8</sup>.

At the international level, the principles of transparency and participation in fisheries management are enshrined in landmark documents on fisheries reforms.

The 2012 Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT)<sup>9</sup>, and the 2014 Voluntary Guidelines for Securing Sustainable Small-scale Fisheries in the Context of Food Security and Poverty Eradication (SSF)<sup>10</sup> are indicative.

Building on these and related developments, the Fisheries Transparency Initiative (FITI) was launched in 2015, in recognition of the fact that, more often than not, there is a disconnect between the public and

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<sup>4</sup> Website of the Fisheries Transparency Initiative <http://fisheriestransparency.org/>

<sup>5</sup> AUC-NEPAD (2014). *The Policy Framework and Reform Strategy for Fisheries and Aquaculture in Africa*.

<sup>6</sup> See, for example: EJF (2018) Out of the shadows. Improving transparency in global fisheries to stop illegal, unreported and unregulated fishing.

<sup>7</sup> Africa Progress Panel (2014). *Grain, fish, money. Financing Africa's Green and Blue Revolutions*. Africa Progress Report, 2014.

<sup>8</sup> NEPAD Planning and Coordinating Agency, African Union Interafrican Bureau for Animal Resources. (2016) *The Pan-African Fisheries and Aquaculture Policy Framework and Reform Strategy: How to Stop Illegal Fishing in Africa, Options for Actions to Ensure Change at National Level*. NPCA, AU-IBAR, Midrand, South Africa.

<sup>9</sup> Endorsed on 11 May 2012 by the top United Nations (UN) body responsible for food security issues – the Committee on World Food Security (CFS). The VGGT provide comprehensive guidance to governments, civil society and the private sector, on how to promote responsible governance of tenure of fisheries resources.

<sup>10</sup> Endorsed by the FAO's Committee on Fisheries (COFI) in 2014. The SSF Guidelines are the first global instrument that aims specifically to bolster the livelihoods of the 100 million+ people who work in the small-scale fisheries sector and increase their contribution to global food security and nutrition.

basic fisheries sector information. The FITI Standard therefore provides for a set of transparency requirements applicable to all countries, and offers comprehensive guidance for achieving and maintaining high standards of transparency in fisheries management, and bringing the activities of fishers, fishing companies and fisheries managers to the fore<sup>11</sup>. These requirements include the publication of information on:

- foreign fishing access agreements;
- payments and catches made by large-scale vessels;
- catches and financial transfers of the small-scale sector;
- law enforcement efforts, including records of offences; and
- government fisheries subsidies.

Over the past decade, Ghana has made considerable progress towards increasing transparency in the extractive industries sector. The global Extractive Industries Transparency Initiative (EITI)<sup>12</sup> is implemented in Ghana through the Ghana Extractive Industries Transparency Initiative (GHEITI), with data on revenues from mining, oil and gas projects now available to the public and on a dedicated website<sup>13</sup>.

The 2016 EITI Standard requires all implementing countries to establish a public beneficial ownership disclosure regime by January 2020. Following this, Ghana published a comprehensive roadmap towards beneficial ownership disclosure, including the establishment of a beneficial ownership registry for the mining, oil and gas sectors. In advancing consultations on the issue, both state and non-state actors agreed that the frontiers of beneficial ownership disclosure should be expanded from oil, mining and gas, to include all other sectors.

On his visit to Germany in March 2018, H.E. President Akufo-Addo met with founder of Transparency International (TI), EITI Special Representative and Chair of the FITI International Board, Prof. Dr. Peter Eigen, and expressed the desire for Ghana to be part of the implementation of FITI in order to step up measures against IUU fishing and to strengthen fisheries governance in Ghana.

In the fisheries sector, the principles of transparency, participation and public accountability are enshrined as guiding principles in the 2015-2019 Fisheries Management Plan. According to the plan, the Government undertakes to “be accountable and transparent in the management of the fisheries resources of Ghana” and to promote “collaboration, participatory decision making and shared responsibility with all stakeholders”<sup>14</sup>. Recent steps towards increasing transparency in the fisheries sector include:

- Publication of lists of semi-industrial and industrial vessels with active licences to fish in the Ghanaian Exclusive Economic Zone (EEZ)<sup>15</sup>.

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<sup>11</sup> Fisheries Transparency Initiative (2017). *At a Glance: Responsible Fisheries Through Transparency and Participation*. April 2017, Berlin. [http://fisheriestransparency.org/wp-content/uploads/2017/04/FITI\\_AtAGlance\\_EN\\_20170413.pdf](http://fisheriestransparency.org/wp-content/uploads/2017/04/FITI_AtAGlance_EN_20170413.pdf)

<sup>12</sup> The EITI is a voluntary global standard that aims to promote open and accountable resource management in countries rich in oil, gas, and mineral resources.

<sup>13</sup> <http://data.gheiti.gov.gh/#commodities>

<sup>14</sup> Republic of Ghana (2015). *Fisheries Management Plan of Ghana – A National Policy for the Management of the Marine Fisheries Sector 2015 – 2019*, at p.5. Available at: <https://www.mofad.gov.gh/fisheries-management-plan-of-ghana-2015-2019/>

<sup>15</sup> Republic of Ghana, MoFAD, ‘Vessel Registry’, accessed 23.3.18. <https://www.mofad.gov.gh/publications/statistics-and-reports/vessel-registry/>. However, it is noted that the list of vessels licensed to fish in the Ghanaian EEZ has not been available online since July 2018.

- Publication of guidelines for the registration and licensing of fishing vessels (industrial and semi-industrial) in Ghana<sup>16</sup>.
- Publication of a fisheries management plan, including data on catch and effort per fleet<sup>17</sup>.
- Requiring industrial vessels to carry unique vessel identification numbers issued under the International Maritime Organisation (IMO) Ship Identification Number Scheme<sup>18</sup> as a condition to fish, and inclusion of this information in public licence lists.
- Requiring applicants to provide information on beneficial ownership when applying to register a fishing vessel in Ghana, or for an authorization to fish outside of Ghanaian waters<sup>19</sup>.

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

- Enabling civil society, including fisheries associations, the media and NGOs, to scrutinize decisions of government, and ensure that these decisions contribute to the fair and sustainable exploitation of fisheries resources.
- Supporting informed and meaningful participation of fishing communities in decision-making, as a basis for implementing Ghana's future policy on fisheries co-management.
- Increasing accountability of government institutions in the fisheries sector, helping address issues of political interference, conflicts of interests and regulatory capture<sup>20</sup>.
- Reducing the cost-burden associated with enforcement operations, and making those operations more targeted and effective, both in Ghana and in neighbouring countries.

## Objectives of the roundtable

The overarching objective of the roundtable was to catalyse stakeholder interest in advocating for greater transparency in Ghana's fisheries sector. More specifically, the roundtable sought to:

- Increase understanding of the benefits of enhanced transparency in the governance of natural resources, in the context of economic development.
- Assess measures and initiatives implemented in Ghana to improve transparency in the mining, oil and gas sectors, and identify lessons and best practices as entry points for fisheries.
- Introduce the FiTI standard and progress in implementing the standard in Ghana and the wider region.
- Identify the extent of transparency and accountability challenges in the fisheries sector, the key gaps and map a way forward.

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<sup>16</sup> Republic of Ghana, Fisheries Commission (2013). *Guidelines for the registration and licensing of fishing vessels (industrial and semi-industrial) in Ghana*. Version dated 3 November 2013. <https://www.mofad.gov.gh/wp-content/uploads/2016/05/Final-Guidelines-for-Acquiring-Fishing-Licence.pdf>

<sup>17</sup> Republic of Ghana (2015). *Fisheries Management Plan of Ghana – A National Policy for the Management of the Marine Fisheries Sector 2015 – 2019*. Available at: <https://mofad.gov.gh/fisheries-management-plan-of-ghana-2015-2019/>

<sup>18</sup> IMO numbers are permanent identification numbers that remain with a vessel through any changes in vessel name or flag, facilitating the effective monitoring of vessel activity over time, including any past infringements.

<sup>19</sup> Fisheries (Amendment) Regulations, 2015 (L.I. 2217)

<sup>20</sup> Standing, A. (2015). *Corruption and state-corporate crime in fisheries*. U4 Anti-Corruption Resource Centre. Issue July 2015, No. 15. [www.U4.no](http://www.U4.no)





*Participants at the roundtable*

## **Introductory statements**

### ***Mr Kofi Agbogah, Director, Hen Mpoano***

In his opening statement, Mr Agbogah emphasized President Nana Addo Dankwa Akufo-Addo's recent commitments concerning implementation of the Fisheries Transparency Initiative (FiTI) in Ghana, which provided direction from the Presidential level for the present meeting. He noted that the FiTI is a global standard with the same significance as the Extractive Industries Transparency Initiative (EITI), with both groups having the same chairman and founder. He noted the need to align work in the fisheries sector with progress in the extractive industries sector, and to map a way forward for implementation of the FiTI in Ghana.

### ***Mr Antoine Rougier, Country Coordinator, Environmental Justice Foundation (EJF) – Ghana Office***

Mr Rougier welcomed participants on behalf of the Far Dwuma Nkodo - Securing Sustainable Fisheries project, implemented by the Environmental Justice Foundation (EJF) in partnership with Hen Mpoano. Transparency is a key priority under the project, with both EJF and Hen Mpoano championing the issue in a broader context, both internationally and nationally.

Mr Rougier highlighted a report published by EJF in November 2018, which sets out 10 principles to improve transparency in global fisheries. These simple, low cost measures can be implemented immediately and do not require new, sophisticated technology or unrealistic expense. Yet they can make a huge difference to the way fisheries are managed and ensure the full benefits from a country's fishing sector are realized. The measures proposed include publication of vessel registers and licence lists, information on prosecutions for IUU fishing infringements, and information on vessel ownership.

EJF, in collaboration with Hen Mpoano, have adapted these principles and recommendations for Ghana, in a report provided to participants at the meeting. These recommendations are intended to help inform discussions at the roundtable.

***Mr Kwame Mensah, Project Coordinator, Far Ban Bo, Care International***

Mr Mensah highlighted the importance of fisheries to Gross Domestic Product (GDP), and in the context of Ghana moving beyond aid. He emphasized the importance of transparency and accountability in the fisheries sector, and the opportunity presented by the roundtable to build on previous initiatives by colleagues on these issues. He noted that the outcome of the discussion would inform plans in the coming years to promote accountability and transparency in the sector.

***Mr Thomas Insaidoo, Ministry of Fisheries and Aquaculture Development***

Mr Insaidoo noted the importance of transparency and accountability, in light of challenges to the sustainability of fisheries resources in the country and potential impacts of stock declines on the welfare of the poor, which he noted are issues of national importance. While it is reassuring at this stage the number of programmes in the country responding to these issues, this is also a sign that something serious is happening in the fisheries sector that requires urgent action. The time has come to ensure decisions are taken transparently and that certain information is not hidden.



*Mr Thomas Insaidoo, representing the Ministry of Fisheries and Aquaculture Development, makes his opening statement.*

# Presentations

## **Introduction to the Fisheries Transparency Initiative (FiTI) standard – Ms Andrea Durighello, FiTI International Secretariat**

Ms Durighello provided an overview of the FiTI Principles and Standard, the differences and synergies between the FiTI and the EITI, the status of implementation of the FiTI globally, and what Ghana must do to be part of the initiative, and how all stakeholders can support the process. She noted the importance of transparency and participation as two complementary pillars to achieve sustainable fisheries management, and the benefits of transparency for all stakeholders.

Transparency is not a new concept, but central to many initiatives, such as the FAO Code of Conduct on Responsible Fisheries and the agenda of the African Union. Ms Durighello noted the role of information in being able to hold decision-makers accountable, and how a lack of transparency may undermine the value contribution of certain sectors, such as small-scale fisheries, and their space in decision-making. A lack of transparency can also make it more difficult to secure investment to a country and increase risk for investors.

The FiTI is an international, multi-stakeholder initiative, the goal of which is to give all stakeholders (governments, business, large and small-scale fishing industry, and civil society) a comprehensive and credible means of achieving high levels of transparency. The FiTI standard was approved in April 2018 following several rounds of multi-stakeholder consultations, including representatives from Ghana.

The standard defines what is meant by transparency in fisheries, and the information needed to ensure better/more sustainable fisheries management. The FiTI sets out 12 requirements for transparency along the value chain of the fisheries sector, including ensuring legislation on fisheries is available and understood by all stakeholders, and publishing information on fishing authorisations and conditions (costs, fishing gears, species), foreign access agreements, and small-scale fisheries. Countries are required to publish annual reports based on these requirements, and must state whether information is available and if it is complete.

The FiTI Standard has been elaborated so as to enable any country to implement the standard.

- A country may still be FiTI compliant even where all information is not yet available, provided there are recommendations for how the information will be acquired.
- The goal is also not to duplicate information that is already available, but rather to show where information can be obtained in a way that can be grasped by the population and contribute to public debate.
- FiTI does not seek to name and shame countries, but rather to improve information systems in support of fisheries management.
- FiTI is broader than the EITI, which focuses primarily on payment transparency.

As for the EITI, implementation of the FiTI is coordinated by a national level group composed of representatives of relevant stakeholders from across interested sectors. The multi-stakeholder group plays an important role in monitoring implementation of the standard, approving reports and making recommendations to improve published information. The group also supports the compilation and

popularization of information to ensure the concerns of all actors are taken into account, and that information is understood and contributes to the public debate.

Ms Durighello highlighted how implementation of the standard does not require a lot of means but can have a lot of benefits in terms of supporting the meaningful participation of stakeholders in decision-making, enhancing trust between stakeholders with diverging interests, and improving cooperation at the regional level. Credible information is also essential to effective law enforcement, and to fight IUU fishing and corruption.



*Ms Andrea Durighello delivers her presentation on the FiTI*

There is growing momentum in West Africa towards implementation of the FiTI, with the region emerging as the global leader in this regard. Mauritania's candidate application to FiTI will be assessed in December 2018, while Nigeria signed a letter of intent to implement the FiTI in early 2018. The Ministerial Conferences of the Fisheries Committee of the West Central Gulf of Guinea (FCWC) and Sub-Regional Fisheries Commission (SRFC) have also issued declarations/recommendations on the FiTI.

Although the willingness to implement the FiTI at national level must come from government, and ideally from the President, civil society has a key role to play in demanding transparency in the fisheries sector. Lessons can be drawn from the experience of other countries in the region, as well as from implementation of the EiTI.

### **Applying principles of transparency and accountability to fisheries management and governance in Ghana – Mr Kofi Agbogah, Director, Hen Mpoano**

Mr Agbogah opened his presentation by urging all stakeholders present to support Ghana's process to reach compliance with the FiTI Standard. He explained how the enabling environment to implement the FiTI in Ghana already exists, with President Akufo-Addo meeting with Dr Peter Eigen on two separate occasions in March and September 2018, and committing Ghana to implementing the FiTI.

He further noted how the FiTI can provide information to support better fisheries management and enable more transparent, democratic and effective decision-making. With its focus on improving transparency and accountability, two key pillars of good governance, implementation of the FiTI would increase the contribution of the fisheries sector to national revenue, employment and food security. He cited an example of vessels operating in Ghana with origins from China, and the need for greater transparency around ownership.

Priority areas for improved transparency include:

- General fisheries reporting
- Arrest and prosecution of fisheries offences
- Utilization of the fisheries development fund
- Licensing of fishing activities
- Beneficial ownership of fishing vessels.

In terms of a roadmap towards implementation of the FiTI in Ghana, Mr Agbogah set out a number of next steps:

- Consolidate the President's expressed commitment to implement the FiTI in Ghana
- Assign key responsibilities for FiTI implementation
- Government to issue a letter of intent to join the FiTI
- Scoping exercise on fisheries sector and transparency requirements
- Finalisation of the FiTI institutional framework in Ghana
- Application to be FiTI compliant

He emphasized the importance of partnership in the process and for all stakeholders to be present on the Multi-Stakeholder Group (MSG) guiding FiTI implementation with a clear process for associations to nominate their members to the Group to ensure adequate representation. All discussions of the MSG should be open and accessible to anyone interested.

## **Discussion**

Mr Godfrey Baidoo-Tsibu of the Fisheries Commission emphasised the importance of transparency in improving accountability in the fisheries sector and that industry must be prepared as we enter this new phase of transparency. He referred to the example of the EU yellow card to Ghana in 2013 and the high costs associated with the carding process and not being transparent in fisheries management. Although transparency is "low-cost", he noted that progress has stalled and even gone backwards since time of the yellow card. The EU has asked these questions consistently during discussions of the IUU Working Group, for example, concerning transparency around licensed vessels, and these questions are difficult to answer. While progress has been made, such as with VMS and fisheries observers, there is still a need for greater transparency around how these things are done. This will go a long way towards addressing the challenges in the fisheries sector.

Nana Jojo Solomon, Acting Chairman of the Ghana National Canoe Fishermen Council (GNCFC) raised the question of next steps and how to proceed with getting a letter of intent to join the FiTI, raising concerns about delays in the process. Ms Durighello responded that FiTI needs commitment at the head of government, however stakeholders have a key role to play in pushing this forward.



Ms Rebecca Sackey-Mensah of the Fisheries Commission queried whether the EU and western countries have signed up to the FiTI and how government agencies can make information available to the public if the Right to Information (RTI) Bill has not yet been passed. She also noted that the Commission relies on industry to provide information for publication and there are gaps.

Mr Agbogah responded that implementation of the EITI in Ghana was possible even without the RTI Bill therefore this should also be possible for the fisheries sector. Implementation of the EITI has resulted in a lot of savings in the extractive industries sector. One of the terms of reference of the MSG will be to identify gaps in information (e.g. publication of annual reports, issuing of licences) and how to address these issues.

Ms Durighello added that FiTI is a global initiative that requires a global effort. The Secretariat is in discussion with countries around the world and more countries are expected to join in future. She emphasised that the FiTI is about putting information out to the public, based on gaps identified in the scoping report, but is not about judging that information. What is appropriate for one country may not be for another.

Mr Noble Wadzah of Oilwatch Ghana highlighted that the GHEITI is not just about making information available, but also about interrogating, auditing and monitoring that information. Recently, GHEITI was able to inform government about the potential missing revenues as a result oil company misinformation. It was through this audit that government was able to retrieve the lost revenue. FiTI has the potential to do the same for the fisheries sector, if we learn from the EITI process.

The Ghana Tuna Association representative queried the EU's stance on FiTI and whether the EU is a member. Ms Durighello responded that the EU has been involved in elaborating the FiTI standard but is not yet a member. Ms Victoria Mundy of EJF cited some examples of measures implemented by the EU to improve transparency including publication of the EU fleet register, publication of a database of external fishing authorisations under the recently reformed Regulation governing the activities of EU vessels outside of EU waters, and publication of information on official fisheries access agreements between the EU and third countries. Mr Baidoo-Tsibu added that the question of whether or not the EU has declared its stance on FiTI is not relevant – rather, it is about loss of revenue.



*Commodore Kwafo makes a submission at the meeting*

**Monitoring progress towards a more transparent and accountable extractive industries sector: status and next steps – Mr Noble Wadzah, Oilwatch Ghana**

Mr Wadzah provided an overview of implementation of the EITI in Ghana and the benefits of transparency in terms of attracting investment and increasing revenue. The EITI commenced in Ghana in 2003, with an emphasis on promoting good governance of natural resources. It started with the mining sector, which at the time was suffering from low revenue, and negative social and environmental costs. The GHEITI has provided for regular reporting on revenues in the oil sector, helping to scrutinize revenues and gaps in reporting by the government.

Mr Wadzah explained that the GHEITI Bill includes all four natural resource sectors, including forestry, mining (gold), oil and gas and fisheries. The GHEITI Bill arose in 2014 out of a need to backstop the EITI initiative with the law, and to ensure continuity of implementation across government regimes. However, while the fisheries sector is recognized in the GHEITI Bill, there has been a lack of interest in addressing fisheries under the GHEITI and the fisheries sector is not covered comprehensively in the Bill in terms of delineating governance structures, legal provisions and institutional arrangements. For example, the Fisheries Commission and civil society groups with an interest in fisheries are not represented in the GHEITI Multi-Stakeholder Group. It is also clear that the fisheries sector has specific challenges requiring a standalone approach.



*Mr Noble Wadzah delivers his presentation on monitoring progress under the EITI*

Mr Wadzah noted that Ghana's constitution includes fisheries under natural resources, which provides a mandate to export lessons from the EITI to the fisheries sector. With the GHEITI receiving legal backing, this may also present an opportunity for Ghana's fisheries laws. In terms of next steps, Mr Wadzah proposed:

- Consolidating Ghana's initial commitment to the FiTI communicated by the President
- Profiling the scope of issues demanding transparency and accountability standards in the fisheries sector and producing a composite report
- Providing a policy and legislative backing for these standards
- Developing a road map towards transparency and accountability within the Ministry for Fisheries and Aquaculture Development
- Building the capacity of actors, civil society organisations and industry

**Development of an online repository for mining licences in Ghana – Mr Ishmael Abeyie and Ms Nolwenn Hemberger, Revenue Development Foundation**

Revenue Development Foundation (RDF) engages with governments on a long-term basis to implement IT systems that allow for the more transparent, efficient and accountable management of licences and revenue, particularly in the mining sector.

Mr Abeyie and Ms Hemberger presented RDF's work with the Minerals Commission to publish an online, public repository of data on mining licences in Ghana. This was a two-year programme that started with a technical assessment to review how licences are managed in Ghana, followed by configuration of the licensing system to ensure compliance with local regulations.

Ghana's online repository of mining licences is fed from the Mineral Commission's licence management system and can be accessed by the public through a username and password. It makes information



available to the public on licence applications, payments made and mining companies, amongst other information, providing a means for civil society and industry to verify information on the licensing process. There is the potential for licensing contracts to be published at a later stage.

## **Discussion**

Following the presentation from RDF, industry and the Fisheries Commission expressed a general consensus that such a system, as exists for mining licences, would be very useful for the fisheries sector. It was agreed that RDF would liaise with the Fisheries Commission to explore whether such a system could be established for fisheries.

The GTA representative asked about the costs of implementing such a system. Ms Hemberger responded that the software is free of charge, however RDF provides support for two years to ensure the IT system is engrained. She clarified that there are two systems: the licensing management system, which is the working tool of the government (not public) and an online repository (public) that feeds from it. Mr Agbogah raised the question of why it was possible for the Minerals Commission to have an online system but not for the Fisheries Commission. He noted that there is a need in the fisheries sector to account for revenues and address the flight of capital to other countries.

Mr Baidoo-Tsibu noted that there have been some initiatives to develop a license management system under the World Bank WARFP project, but that the system is not accessible to the public and the information is not routinely updated by the Ministry. The GTA representative asked whether the current system could be upgraded and made available to the public. Ms Sackey-Mensah responded that if the industry is demanding publication of information on licences and sanctions, then this information should be made available to the public. The current system is hosted by the National Information Technology Agency (NITA) and it should be possible to upgrade it to make it available online.

Ms Matilida Quist of the Fisheries Commission highlighted that progress has been made, with Ghana being one of the few countries that have signed up to the FAO Global Record of Fishing Vessels. She stated that if industry provides information on revenue, catches and repatriation of funds the Commission is ready to put this information on the website.

Nana Solomon expressed frustration with the policy makers, citing the example of how the fisheries development fund has been managed as a scandal. He highlighted that it could be a problem if those responsible for how the FDF is managed are the same group that must sign the letter of intent for the FiTI.

Ms Durighello responded that in Guinea-Bissau, pressure on the government to sign onto the FiTI came from the industry.

Ms Sackey-Mensah expressed support for this approach, stating that it would be important for pressure to come from industry concerning publication of information (demand-driven).

Mr Papa Yaw Atobrah of the Fisheries Commission concurred that if industry is demanding information and the ability to apply for licences online and check on the status, this should be on the agenda for the coming year.

The Acting President of GITA expressed agreement with Mr Atobrah and the difficulties experienced by industry when applying for licences due to a lack of transparency around the process and waiting times. He cited his support for the FiTI and willingness to sign onto the initiative and to make it work.

The GTA representative urged participants to make the purpose of this meeting count, and to include as an action putting pressure on government to implement the FiTI.

Nana Solomon expressed agreement that if policies are demand driven, industry should send a concurrence to government demanding implementation of the FiTI as a matter of urgency.

Mr Rougier of EJJ added that it is not necessary to wait for the FiTI to begin improving transparency, rather if we start now this will make it easier for Ghana to join the FiTI at a later stage.

Mr Agbogah emphasized that the meeting is the continuation of a process towards transparency that was set in motion a long time ago. The GITA representative emphasized the need for industry and the Fisheries Commission to work together to build the capacity of industry to appreciate the necessity of transparency, which will fast track how these things are implemented, e.g. publication of hire purchase agreements.

## Plenary session

During the afternoon session, participants were divided into two groups to discuss four key questions concerning transparency in the fisheries sector and the next steps following the meeting.

1. What are the gaps in transparency in fisheries management and governance in Ghana?
2. What are the key priorities and recommendations for increasing transparency in the fisheries sector?
3. How do we enshrine transparency in policy and law noting the revision of the Fisheries Act?
4. What should be the composition and operational framework for a multi-stakeholder committee to guide implementation of transparency and accountability principles in the fisheries sector?



*Group discussions at the meeting*

### Group 1 - Outcomes of discussions

#### 1. What are the gaps in transparency in fisheries management and governance in Ghana?

The group discussed the gaps, barriers and challenges associated with implementing transparency in fisheries management and governance in Ghana under the following headings.

##### **(a) Lack of capacity for both practitioners and policy-makers**

There is a lack of awareness and understanding of transparency and accountability issues amongst industry, civil society and policy-makers as they relate to fisheries. Ghana Revenue Authority and the general public do not understand the details of the fisheries sector, and there is limited knowledge of what to demand in revenue reporting. This relates, in part, to a gap in communication with the public on fisheries issues. There is a low demand for transparency and accountability due to low awareness.

##### **(b) Public service regulation and bureaucracy concerning the handling of information**

Ghana's Public Service Regulation presents a barrier to transparency as it does not allow for openness of discussion. The structure and handling of information pertaining to fisheries also impedes transparency, as it is often unclear who at what level can provide information to the public.

**(c) Political control and interference in fisheries issues**

Regulatory capture and unbridled political power are key impediments to transparency in the fisheries sector. The Minister has excessive powers, both in law and in practice, which should be addressed through the reform of the 2002 Fisheries Act.

**(d) Inadequate dialogue and information sharing/disclosure**

Inadequate dialogue and information-sharing/disclosure is a problem at all levels, including within the Ministry, between Ministries and between the Ministry, fishers and civil society.

**(e) Fear of victimisation (perception and reality)**

There is a fear of victimization, both real and perceived, among staff of the Ministry and Fisheries Commission, as well as civil society organisations, which can stand in the way of transparency and sharing of information relating to fisheries.

**(f) Practical challenges concerning sharing of information**

There are a number of practical challenges when it comes to transparency, including issues around licensing regimes and with the timely provision of data (e.g. concerning prosecutions).

**2. What are the key priorities and recommendations for increasing transparency in the fisheries sector?**

**(a) Open sharing of information with automatic updates**

Although the Ministry and Fisheries Commission have systems for reporting, there needs to be open sharing of this information, such as the annual and quarterly reports of the Commission. The Ministry needs to populate pages of its website, for example, on licenses and sanctions, and make this accessible to the public. The website should be routinely and automatically updated, rather than being dependent on individuals to carry out the updates.

Key information that should be made available to the public includes:

- Observer reports
- Data on prosecutions, number of offences
- Data on fines and amounts paid, out of court settlement reports
- Beneficial ownership
- Quarterly and annual reports of the Fisheries Commission
- Vessel licensing and fishing (catch) quotas

In terms of vessel licensing, this should be open, transparent, fair and predictable. Information must be provided to the public on the number of trawl licences to be issued and quota for the coming year, which should be immediately and automatically updated. It is in the industry's interest to know the limit on the number of vessels at any time and in advance of the coming year, and would prevent politicians from influencing the process.

**(b) Build capacity to appreciate transparency and governance issues**

Capacity should be built through training to policy-makers when they are appointed, and other stakeholders, to understand the importance of transparency and good governance in the fisheries sector. This should include knowledge sharing and communication on transparency principles to ensure government and stakeholders can make policy recommendations.

**(c) Limit the bureaucratic process for access to information and discretionary powers of the Minister**

Recommendations limiting the bureaucratic process for accessing information, and the discretionary powers of the Ministry, must be incorporated in the revision of the 2002 Fisheries Act. This could include laws dealing with ownership in vessels and a requirement to declare interests in vessels, due to the issue of political interference in the sector.

It was noted during the discussion that limiting political ownership of fishing vessels would be difficult; however, it should be ensured that politicians owning vessels go through the same procedures as the general public. The Companies Code has been reviewed and now includes a beneficial ownership declaration to reduce conflicts of interest: the intention of this is not to exclude politicians from owning vessels, but rather to ensure we know who is behind what.

**(d) Improve transparency around IUU fishing offences and sanctions**

There is a need to better understand how fines are applied and for the reformed Fisheries Act to be specific when dealing with IUU fishing offences. The law should also address the composition of committees hearing fisheries violations and ensure their composition is independent.

**(e) Make process for issuing licences transparent and systematic**

The process for issuing licenses to vessels needs to be more transparent and systematic. There should be an online, public system to allow civil society and industry to scrutinise each stage of the licensing process for greater clarity.

**(f) Allocation of Internally Generated Funds**

The process for allocating Internally Generated Funds, especially fines, should be transparent and open, especially the amount allocated to the enforcement unit. It was noted during the plenary discussion that linking fines to funding for enforcement may be problematic. It was also proposed that Internally Generated Funds could be linked to a revenue management scheme within the fisheries sector.

## **Group 2 - Outcomes of discussions**

### **3. How do we enshrine transparency in policy and law noting the revision of the Fisheries Act?**

There are opportunities to address transparency in Ghana's fisheries sector, both through the GHEITI, which is already looking into fisheries-related work, and ongoing consultations in preparation for the reform of the Fisheries Act. Indeed the present event was organized in the context of the on-going legal reforms.

In terms of recommendations for enshrining transparency in law and policy, the following should be taken into consideration:

- The need to ensure connections are made to other laws, and that these laws are consistent, for example, the Companies Act provisions on ownership should inform the related components in the Fisheries Act.
- The importance of a multi-sectoral approach with involvement of related ministries/authorities, such as Finance, Trade, etc.
- Additional details can be included in the law that reinforce the transparency agenda, such as details of documents and information to be provided to obtain a fishing licence.
- Provisions should be included concerning public access to documents.
- Gaps in the current legal framework should be analysed, potentially using FiTI standards as a benchmarking tool.
- Political interference could be resolved by reforming the Fisheries Commission board to include a wider representation of stakeholder groups, especially industry, with additional experts invited on a case-by-case basis.
- The potential to publish the minutes of Fisheries Commission board meetings should be considered.

### **4. Composition and operational framework for a multi-stakeholder committee to guide implementation of transparency and accountability principles in the fisheries sector?**

There is potential to create a multi-stakeholder group based on the composition of the revised board of the Fisheries Commission, but expanding this to include civil society organisations and academia. A stakeholder analysis in the context of FiTI implementation could also assist in identifying the key actors for the multi-stakeholder group.

## **Conclusions and next steps**

The meeting concluded with reflections from participants on the FiTI and way forward. Industry representatives expressed broad agreement on the need to improve transparency in the fisheries sector, and implementation of the FiTI as the way forward. The Fisheries Commission conveyed a willingness to make information publicly available, but requested cooperation from industry to provide the necessary information to be able to make this public. Representatives of GITA requested further sensitization and capacity building on the FiTI and the benefits of transparency more generally to build understanding and support among their membership.

In terms of next steps, it was agreed to issue a communiqué on the key outcomes of the meeting. The communiqué was circulated to participants for comments and input on 23 January 2019 and published

in the Daily Graphic on 5 March 2019 and in the Business and Financial Times on 18 March 2019 (**Appendix 2**).

It is envisaged that the communiqué and outcomes of the meeting could form the basis of an open letter to the Presidency expressing support for implementation of the FiTI in Ghana and urging the President to submit a letter to the FiTI Board to initiate the process. The conveners of the roundtable will work closely with relevant stakeholders to build on the unity of purpose and understanding that emerged from the roundtable on issues of transparency and accountability in the fisheries sector.



*The meeting was organised by the implementing partners of the two EU-funded fisheries projects in Ghana, Far Dwuma Nkodo and Far Ban Bo*

## Appendix 1

### Attendance list

Name	Organisation
Thomas Insaidoo	Ministry of Fisheries and Aquaculture Development
Alex Sabah	Fisheries Commission
Papa Yaw Atobrah	Fisheries Commission
Godfrey Baidoo-Tsibu	Fisheries Commission
Matilda Quist	Fisheries Commission
Rebecca Sackey-Mensah	Fisheries Commission
Doris Yeboah	Fisheries Commission
Kofi Amador	Fisheries Commission
Joseph Yeboah	Fisheries Commission
Commodore Emmanuel Kwafo	Ghana Navy/Fisheries Enforcement Unit
Christopher Ackon	EU Delegation in Ghana
Mia Kamarainen	Norwegian Embassy
Andrea Durighello	Fisheries Transparency Initiative
Nana Solomon	Ghana National Canoe Fishermen Council
Nana Daboum	Ghana National Canoe Fishermen Council
Nana Kojo Conduah	Ghana National Canoe Fishermen Council
Seth Abotsi	Ghana National Canoe Fishermen Council
Nii Tetteh Akpo Djamloja	Ghana National Canoe Fishermen Council
Mike Abaka-Edu	Ghana National Canoe Fishermen Council
Regina Solomon	National Fish Processors and Traders Association
Peace Abia Gavor	National Fish Processors and Traders Association
Emelia Abaka-Edu	National Fish Processors and Traders Association
Mr Thomas	Ghana Inshore Fishers Association
Sammy Nii Okai Quaye	Ghana Industrial Trawlers Association
Edwin Ofori-Ani	Ghana Industrial Trawlers Association
Gilbert Sam	Ghana Industrial Trawlers Association
John Davidson	Ghana Tuna Association
Samuel Ayertey	Ghana Tuna Association
Frank Aihoon	Ghana Tuna Association
Victoria Koomson	Central & Western Region Fishmongers Improvement Association
Nicholas Smith	Central & Western Region Fishmongers Improvement Association
Lydia Sasu	Development Action Association
E Morte	Development Action Association
Kofi Agbogah	Hen Mpoano
Antoine Rougier	Environmental Justice Foundation
Victoria Mundy	Environmental Justice Foundation
Elsie Debrah	Environmental Justice Foundation
Kwame Mensah	Care International in Ghana
Kyei Yamoah	Friends of the Nation
Naana Nkansah Agyekum	Oxfam in Ghana
Noble Wadzah	Oilwatch Ghana
Jonathan Goker	KASA Platform
Solomon Yamoah	KASA Platform
Ishmael Abeyie	Revenue Development Foundation
Nolwenn Hemberger	Revenue Development Foundation



## Appendix 2

### Publication of communiqué in the Daily Graphic (left) and Business and Financial Times (right)

