

Joint communiqué from the Ghana National Canoe Fishermen Council (GNCFC) and National Fish Processors and Traders Association (NAFPTA)

Priorities for small-scale fishers, processors and traders in the Central Region for the reform of the national fisheries law framework

The Government of Ghana, through the Ministry of Fisheries and Aquaculture Development (MoFAD), is currently undertaking a review of the national legal framework governing the fisheries sector.

As part of this process, in March and April 2018, we were involved in stakeholder consultations to gather inputs for the drafting of the future Fisheries Bill. Our fishermen and fishmongers participated in a total of 10 consultation sessions covering 15 communities in the Central Region across all 9 coastal districts. Overall, 464 fishers, processors and traders were engaged in the consultations, of which 273 were fishers, including crew and canoe owners, and 191 were fish processors and traders. The consultation sessions were stratified based on the five operational zones of the Fisheries Commission in the Central Region (Mfantseman, Cape Coast, Elmina, Senya, Winneba). All sessions were held in close proximity to the participating communities, and with the involvement of Fisheries Commission Zonal Officers.

On Tuesday 15 May, we, Chief fishermen and Konkohemaa from all 45 coastal communities across the Central Region convened in Cape Coast to validate the results of the local level consultations. At the meeting, we debated on the key points of consensus that emerged from the local level consultations, and agreed on a ten-point communiqué encompassing these points. The concerns contained in this communiqué, presented below, are the outcome of the consultations and validation sessions and we herewith uphold this as the general position of the artisanal fishing industry of the Central Region.

1. Ban on sale and importation of monofilament nets

The ban on the use of monofilament nets in the marine fisheries context is currently being undermined by the widespread availability of these nets on the market and their affordability compared to compliant fishing gears.

Our proposition is that, if this prohibition is maintained in the future law it should be based on scientific evidence and reinforced by strict restrictions on the importation and sale of monofilament nets. Enforcement must also be accompanied by specific initiatives from the Fisheries Commission to ensure that compliant, affordable and efficient gears are available to fishers. As compliant nets are generally more costly, a grace period could be built into the new law to allow fishers to make the necessary investments in these gears prior to a complete ban.

2. Prohibitions against fishing with light, chemicals and explosives

We propose that, fishing with light, chemicals and explosives should continue to be prohibited under the new fisheries law, with strict and non-selective enforcement to improve compliance. Sanctions for use of these illegal methods must be set at the appropriate level to ensure deterrence, including imposition of non-monetary penalties such as the seizure of fishing gear and catches, and custodial sentences.

3. Ending saiko and stricter regulation of the industrial trawl fleet

A few of our brothers and sisters are benefiting from the practice of Saiko (transshipment of frozen fish at sea from industrial trawlers to canoes). Saiko fish is landed at two of our communities (Apam and Elmina). We have learnt that Saiko landings at Elmina alone are estimated to be double the total small pelagic catch of the artisanal fleet of Ghana. We are highly concerned about the fact that trawlers now target small pelagics specifically for transshipment, placing significant pressure on these stocks. Small pelagics are the key target species of our crew, and vital for food security and livelihoods across the Central Region.

In view of the above, we strongly propose that Saiko be clearly prohibited under the future law and the prohibition strictly enforced.

Illegal fishing and over-capacity of the industrial trawl fleet are major factors driving small-scale fishers in our region to engage in prohibited fishing methods. We believe that these trawlers are using nets with under-sized mesh, have adapted fishing gears to target juveniles and small pelagics, and are also making incursions into the Inshore Exclusion Zone (IEZ) reserved for artisanal fishers.

We therefore propose that, through strict regulation and sanctions, the new law puts an end to the destructive practices of trawlers such as the use of prohibited fishing gears and incursions into the IEZ.

Small-scale fisheries make a significant contribution to food security and livelihoods, supporting over two million people living in coastal communities. Given the capacity of the artisanal and semi-industrial (inshore) fleets to fully exploit Ghana's marine fisheries resources, we are strongly opposed to the presence of industrial trawlers within Ghana's Exclusive Economic Zone (EEZ).

In the short to medium term, we propose that the law provides for a mandatory closed season for trawlers of six months, and for the number of trawlers to be reduced in line with the sustainable management of both demersal and small pelagic fish stocks. In the longer term, we consider that industrial demersal trawling, which is inherently destructive to marine ecosystems, should be excluded from the Ghanaian EEZ.

4. Extension of the Inshore Exclusion Zone (IEZ)

Depletion of Ghana's fisheries resources is forcing small-scale fishers to travel further out to sea to carry out fishing activities, where they come into conflict with industrial trawlers. Many of our fishers are now fishing outside of the current IEZ boundary of six nautical miles or 30 metres depth.

We strongly recommend an extension of the IEZ boundary to 60 metres depth in the new fisheries law, albeit some fishers can travel to depths of 80 metres and beyond to carry out fishing activities. Depth (bathymetry) is our preferred method of delineating the IEZ boundary as opposed to distance from the shore.

5. Preservation and improvement of landing and processing zones

Landing beaches are under threat from sand mining, shoreline erosion and encroachment from other resource users.

We propose that the new law provides for the demarcation of landing sites and for the protection of our current informal yet legitimate rights of access to these sites in the face of encroachment. The law should also provide for the designation of buffer zones to secure beaches against shoreline erosion, while prohibitions against sand mining must be strictly enforced.

Provision should also be included in the legislation for the transparent allocation of finances under the Fisheries Development Fund to develop landing and fish processing sites, and to improve facilities, sanitation and hygiene in these areas. The new law should specify fish handling procedures and minimum water, sanitation and hygiene (WASH) requirements around processing facilities, and make provision for health and sanitary officers to inspect fish processing sites.

6. Transparency in the use of funds in the Fisheries Development Fund

There is currently limited transparency surrounding the Fisheries Development Fund, including the levels of fines paid into the Fund and how the money is used. We would want a requirement to be included in the future law to ensure information on payments into and out of the Fund are made available to the public, and the Fund subjected to an annual, published audit by the Auditor General. The new law should also make provision for committees at the local level to interact on a regular basis with the Ministry of Fisheries and Aquaculture Development and Fisheries Commission on issues surrounding the Fund.

7. Mitigation of impacts from the oil and gas sector

Some of our crew who extend their fishing expeditions to the Western Region report of the development of oil and gas installations and their detrimental impact on the small-scale fishing industry. These impacts include the loss of access to fishing

grounds within 500 metres of oil installations, the fish aggregating effect of lights on installations and the impact of oil spillages.

In view of this, we propose that the new law provides for the mandatory consultation of fishing communities affected by oil and gas installations. A dedicated Fisheries Impact Assessment, encompassing environmental, social and economic impacts, should be required for all offshore and onshore (coastal) development that may impact upon fishing, landing and processing activities, including those of the small-scale fishing sector. The law should also provide for compensation where fishers are negatively impacted or displaced due to oil and gas development, and provision made for alternative livelihood options for fishers in affected areas. There should be a law to effectively regulate oil spillages and provide for compensation where spillages occur.

8. Legal basis for fisheries management and enforcement at the local level

We believe that current structures at the community level can play a crucial role in securing compliance among fishers with fisheries laws, and can reinforce the enforcement activities of government authorities. Indeed, we can tell of a number of examples of community-led enforcement initiatives in the Central Region that have yielded positive results to date. These include the use of oath swearing against the use of prohibited fishing methods, and the establishment of watchdog committees.

These initiatives should be strengthened and promoted through the revision of the fisheries law. We strongly recommend that the new law should empower Chief fishermen and Konkohemaas to enforce the law within their communities, and provide legal backing for watchdog committees to operate effectively at the community level.

Provision should be made in the legislation for the increased presence of enforcement officers at landing sites. The new law should also provide the legal basis for the enactment of by-laws to support management and enforcement at the community level.

9. Designation of Sunday as an additional fishing holiday

With a view to reducing pressure on resources, Sunday should be designated as a fishing holiday in the Central Region, in addition to Tuesday. Non-fishing days should be formalised in the law and be applicable to all coastal fishing communities in the country.

10. De-centralisation of structures for conflict resolution

Our fishermen have reported thousands of cases of industrial vessels destroying their nets and canoes at sea. Yet only a fraction of these cases (around 5%) have been reported to the Fisheries Commission, and even fewer cases resulted in compensation for the losses incurred. We are often unable to bring claims due to

insufficient evidence, or due to lack of knowledge of, or access to, procedures for making a claim.

The new law should provide for more accessible and cost effective procedures for the efficient resolution of fisheries-related conflicts. The Fisheries Settlement Committee (FSC) should be decentralized and brought closer to our fishing communities, for example, through the establishment of alternative dispute resolution (ADR) committees within each district assembly along the coast, or at the community level. Fisheries Commission officers at the Central Region level should also be empowered to receive complaints regarding the destruction of fishing gear and to mediate conflicts and ensure the necessary compensation is paid.

The consultations that informed this communiqué were held with the financial support of the European Union and German Federal Ministry for Economic Cooperation and Development (BMZ) through the “Far Dwuma Nkɔdo” – “Securing Sustainable Fisheries” project. The Far Dwuma Nkɔdo project is a three-year project to secure greater environmental sustainability and social equity in Ghana’s fishery sector, and is implemented by the Environmental Justice Foundation (EJF) and Hen Mpoano.

Adopted, this 15th Day of May 2018

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