

HƐN MPOANO INITIATIVE

REPORT ON 3RD ADJUDICATION REVIEW MEETING



BY: FRIENDS OF THE NATION & COASTAL RESOURCES CENTRE

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Western Naval Command Headquarters, Sekondi

List of Acronyms

AG	Attorney General
CSO	Civil Society Organization
CRC	Coastal Resources Centre
FON	Friends of the Nation
FiC	Fisheries Commission
ICFG	Integrated Coastal and Fisheries Governance
LI	Legislative Instrument
MCS	Monitoring Control & Surveillance
RCC	Regional Coordinating Council
USAID	United States Agency for International Development
WR	Western Region

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1.0: Introduction and Background

This report entails an output of a one-day adjudication review meeting geared towards strengthening of the prosecution chain in the Fisheries Sector. The meeting which was held on December 18, 2012 at the Western Naval Command Headquarters in Sekondi was attended by stakeholders from the Fisheries Commission, Wildlife Division, Attorney General's department, Ghana Navy, Ghana Armed Forces, Ghana Police Service and Civil Society Organizations. In all, 20 participants attended the meeting. (see participants list attached)

The report summarizes objectives of the meeting, methodology employed, detailed session delivery with questions/ comments, as well as the conclusion.

1.1: Objectives of meeting

The meeting sought to:

- Discuss issues relative to food insecurity posed by the current state of Ghana's Fisheries
- Inform participants on the extent of progress by the Marine Police with regards to their engagements with the Fishing Communities.
- Present overview of Adjudication Cases as at date.
- Discuss constraints, Challenges and Lessons learned

1.2: Methods Used

The meeting was in such a way that the facilitators combined different methods such as interactive power-point presentations, hard copy delivery as well as interactive discussions. This ensured that every participant was involved in whatever discussions that went on. Time for questions, comments and inputs increased understanding of issues by the participants.

2.0: Detailed Session Delivery

2.1: Opening session

In his opening statement, Donkris Mevuta, Executive Director of Friends of the Nation welcomed all participants and noted that this meeting was the third of the adjudication meeting which seek to strengthen the prosecution chain. He led a self-introductory process for new members (Air force) and already existing members to familiarize themselves at the meeting.

2.2: Recap of Previous meeting

A quick review of the previous meeting was done by the participants, led by Donkris. Some matters arose from the review as follows:

- Documents of previous Review Meetings should be made available to all participants before the next meeting; as most participants were without the documents (probably kept and documented by their superiors in their various offices)
- Mr. Nyantey of the MCS division of the Fisheries Commission requested clarity on how his outfit would ensure enforcement while the newly formed Marine Police as well as the Navy are in place. It was explained that, it is partly the reason why the prosecution chain is being strengthened using this platform so as to ensure clarity of roles by all collaborating institutions to avoid conflict of interests

2.3: Presentation on Food Insecurity posed by current state of Fisheries

An interactive power-point presentation was delivered by Kofi Agbogah, the Programme Director of CRC. In his presentation, he gave a brief overview of the Hen Mpoano Initiative and explained that the Initiative is geared towards supporting the Government of Ghana's vision of food security in the form of:

- Poverty reduction
- Improved livelihood and sustainable management of coastal communities
- Biodiversity conservation

As part of his presentation, he gave a graphical indication of the trend of Ghana's Fisheries Industry, to which all participants nodded and agreed to the fact that something has to be done to bring about restoration of the industry which according to Mr. Agbogah employs 10% of Ghana's population.

Concluding his presentation, Mr. Agbogah indicated that the Hen Mpoano Initiative is working to develop a toll-free number in collaboration with the Fisheries Commission. He added that this toll-free number would be in such a way that if a recipient of the call is unable to pick up the call, it would go through to the other relevant stakeholders (about 4 in all). By this, it is anticipated that enforcement is going to be very efficient.

2.3.1: Questions and Comments

- How can the illegalities within the Fisheries Industry be addressed and what has been the Hen Mpoano's contribution to solving the problem?
 - Kofi Agbogah explained that the sure way of solving the problem is through collaborative management of the Fisheries industry. As to what the Hen Mpoano Initiative has contributed in terms of solution to the canker, he mentioned that a policy brief relative to Fisheries has been written to target the policy makers. In addition to this, he stated that inputs have been made by the Initiative to make the incoming World Bank Fisheries Project a reality. With the direct stakeholders of the industry, such as the fishers, several education and sensitization programs like the Biribireba Radio Show have been initiated by the Hen Mpoano project. He added that some fishers have been supported on study tours to learn best practices in some other fishing countries; and these fishers are being used as community champions to offer peer education to their fellow fishers- which is encouraging behavioral change.
- After applauding the good work done by the Initiative, a participant requested to know what actions are been done relative to enforcement.
 - Donkris explained that the project's direct support ends at Voluntary compliance. He gave this as the reason why there is the need to strengthen the prosecution chain for the government agencies to continue with the enforcement

2.4: Presentation on Marine Police's Engagement with Fishing Communities

This presentation was done by ASP Emmanuel Addae. He indicated that the police is very grateful for the training given the Marine Unit of the Ghana Police Service. He added that this will go a long way to strengthen the prosecution chain as expected to improve the collaborative management of the Fisheries sector. He went further to explain that the interactive nature of the



education has informed them of the nitty-gritty of the industry. He elicited some of the lessons they learnt in the course of their community visits as:

- Some community members have the belief that there are virtually no laws regulating the illegalities in the industry since offenders are seen to be going about their normal businesses few days after apprehension
- The lack of appropriate mechanisms for identifying fishes caught with illegal methods is making the fishermen continue with their illegal acts. However, most of the fishermen are in support with the enforcement strategy and are eager to collaborate with the Marine Unit in the enforcement exercise
- Fishermen are ready to do away with monofilament nets and get used to the approved nets if those were imported often. They advised that the illegal ones be taken from the market to deny the fishermen of access to the illegal nets
- In contrast to the above point, communities who poach sea mammals reiterated that they were not ready to stop the poaching. Similarly, the Sekondi community showed no readiness to stop the light fishing. Hence the signal the marine unit is getting is to intensify enforcement of the regulations regarding these issues
- Most of the fishers also believed that the law has been silent on the heavy trawlers and in effect trying to be hard on the inshore fishing activities, though the trawlers are part of the illegal operators

2.4.1: Challenges

He concluded his presentation with some challenges they encountered and that which is anticipated. One has to do with evidence gathering; explaining that in the absence of mechanisms to track fishes caught with illegal methods, it will be difficult to prosecute offenders without such relevant evidence. The second had to do with very influential authorities intervening when people related to them apprehended for wrong-doing. He added that most of the fishers want such authorities to be dealt with by law when they interfere with law enforcement.

In his final statement, he explained that though the timing for the communities' socialization and education was not the best, most community members were happy about the fact that the police have socialized and educated them before enforcement begins.

2.4.2: Questions and Comments

- A comment came up to advise the Marine Police to keep their heads up and collaborate fully with other agencies, since the fishermen cannot be trustworthy- upon the contribution of the Navy to reduce the illegalities in the Industry, the fishermen spoke ill of them to other agencies, and so will they do to the Marine Police in their near future.
- A participant wanted to know about how the Marine Police would strategize in their delivery of services. But he was informed that the Marine Police would go to the other security agencies to discuss their strategies and plans of operations.
- Fines meted to culprits were noted by the participants not to be stringent enough to deter offenders. It was therefore discussed that such a group can help in initiating reforms on the fines in order to deter potential offenders.

2.5: Overview of Adjudication Cases as at date

This session was led by Mr. George Sackey, a representative of the Attorney General. He indicated to the participants that a total of 27 cases have been prosecuted. Most of the offenders were Ghanaians and Chinese. The offenses were mostly on light-fishing and fishing without license. He pointed out some punishments meted to offenders, which the participants thought were not deterrent enough. Some of the punishments included paying 100 penalty units for using undersized nets, or in default, one year imprisonment with hard labor. Light fishing has a penalty of 100 penalty units in addition to forfeiting of generator and light equipment to the state.

It was noted that 9 cases are on-going on the offense of fishing without licenses and 5 cases yet to be presented to court on the account of light fishing.

After this presentation, a participant asked if one could be prosecuted for possession of light equipment. It was explained that if the person is within a certain range (about 2 km), then that individual could be prosecuted.



A major concern that came up as raised and seconded by most participants had to do with the extent of punishment Judges pronounce on offenders. It was noted again that such fines are not deterrent enough to save the Fisheries Industry from collapsing. Responding to this, it was explained that the Judges take a lot of factors into consideration before pronouncing judgments, hence the fortune of offenders to escape the worst punishments corresponding to the said offense. It was however discussed that there is the urgent need to increase engagements with the Judges for them to appreciate it when prosecutors pray to them to mete out stringent punishments to offenders.

A question was raised by one participant as to whether such successfully prosecuted cases are publicized. The Hen Mpoano project was willing at this point to publicize these successes, in addition to what the media would do. Adding to this, the participants from the Fisheries Commission were advised to write reports which include such successes to their superiors.

2.6: Conclusion

In his concluding remarks, Mr. Donkris Mevuta thanked all participants for their presence and contribution; and implored participating agencies that the earlier we collaborated, the better for the nation. He took the opportunity to announce that the next meeting would be scheduled to take place by March 2013.

A closing prayer was said by Mr. Nyanteh, a participant and the meeting was brought to a close at exactly 5:25 pm.

Appendix 1: List of participants

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