The Sustainable Fisheries Management Project (SFMP)

POLICY NOTES

Competence-Based Approaches for Fisheries Enforcement Officers

Presentation By: Kyei Kwadwo YAMOAH
Friends of the Nation
Importance of Fisheries

• About 10% of Ghana’s population is dependent on the Fisheries sector - direct employment & support services

• Fish is a cheap source of protein – providing 60% of animal protein to Ghanaians

• High fish per capita consumption of Ghana - 23-25 kg/person/yr against the world average of 13 kg

• Multi-million $$ value of fish exports to the EU market
Major Issues in the Fisheries

- **Overcapitalization and open access**
  - Increasing numbers of fishing fleet
  - No licensing in the artisanal sector
  - Subsidy on fishing inputs for artisanal fishers

- **Use of unapproved methods of fishing**
  - Undersized mesh & monofilament nets
  - Chemical and explosives fishing
  - Light fishing

- **Illegal, Unreported and Unregulated (IUU) fishing**
  - Fishing for undersized/juvenile fish & marine protected species
  - Unsupervised transshipment at sea
  - Discard of fish at sea (as by catch)

Urgently need to protect the resources to prevent a total collapse of the fisheries
# Common Offenses by Fleets

<table>
<thead>
<tr>
<th>Industrial Sector</th>
<th>Semi-industrial/Inshore</th>
<th>Artisanal Sector</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trawling in the IEZ</td>
<td>Use of light/FADs</td>
<td>Use of unapproved gears</td>
</tr>
<tr>
<td>Tampering with the VMS equipment</td>
<td>Fishing without licenses</td>
<td>Use of light/FADs</td>
</tr>
<tr>
<td>Use of undersized mesh nets</td>
<td>Mesh size problems</td>
<td>Use of explosives</td>
</tr>
<tr>
<td>Use of top-side chafers</td>
<td>Building new boats without authorization</td>
<td>Use of noxious substances</td>
</tr>
<tr>
<td>Transshipment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Failure to log operations</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Out of Court Settled Infractions

Fines (GHS)

- Fishing without license: 2 cases, fine 0, paid 0
- Canoe light fishing: 1 case, fine 0, paid 0
- Fishing illegally in foreign waters: 44 cases, fine 1,800,000, paid 0
- Undersized mesh: 8 cases, fine 500,000, paid 0
- Transhipment: 14 cases, fine 1,000,000, paid 0
- 30m depth: 6 cases, fine 1,400,000, paid 0

No. of Cases

- Fishing without license: 2
- Canoe light fishing: 1
- Fishing illegally in foreign waters: 44
- Undersized mesh: 8
- Transhipment: 14
- 30m depth: 6

Legend:
- Fine
- Paid
- No.
Trawler Violations By Year

Number of Violations

2013  2014  2015

Year

0  10  20

Number of Violations

2013: 1, 2014: 30, 2015: 25
Activities of the MCS/FEU

- Quayside inspections
- Reconnaissance surveys
- Beach combing
- Sea patrols
- Education and sensitization
  - Community engagement
  - Radio programmes
Summary of Arrests and Prosecutions (ctd)

After inauguration of the Fisheries Enforcement Unit (FEU) in Sept 2013, other accomplishments include carrying out more than 120 quayside and land patrols which resulted in:

• Confiscation of 74 generators, with

• 113 lighting equipment (tripod, bulb and cables), and

• Over 200 bundles of monofilament net
Challenges with Enforcement

• Cost of enforcement is expensive
• Inadequate financial and budgetary support
  – Little motivation for personnel
  – Inadequate logistics
• Weak institutional coordination
• Wide spread of landing sites from each other
• Low appreciation of the fisheries legal and regulatory framework
• Slow prosecution systems, which tends to discourage arresting officers
• Inadequate political commitment towards prosecution of offenders
• Community attacks
GOAL of the USAID/Ghana SFMP

Rebuild marine fisheries stocks and increase production through the adoption of Responsible Fishing.

1. Promoting Voluntary Compliance
2. Promoting effective Deterrence through strengthened law enforcement

- Support to Fisheries Prosecution: Tracking prosecution cases, identifying challenges, etc.
- Competence-based Approach to Staff Capacity Development
- Capacity Strengthening for Fisheries Enforcement: Training Support, Vehicles, etc.
Addressing the peculiar situation in Ghana’s fisheries governance require the application of two main cardinal principles; Voluntary Compliance and Deterrence.

**Voluntary Compliance**: includes the effort to secure the active support of resource users and their willingness to comply with the necessary legal and regulatory framework and management plans. A key component of voluntary compliance involves carrying along the users of the resource in every step in the decision making and law implementation process.

**Deterrence**: Involves the coercive power of the state to enforce its laws and regulations. It includes the power of arrest, prosecution, adjudication and imposition of sanctions when the laws are violated. To support effective deterrence, there is the need for adequate legal and regulatory framework to address all the forms of infractions. The sanctions should be punitive enough to law breakers such that benefits accrued from breaking the law would not be attractive.

For the achievement of effective results, selective enforcement sometimes called targeted enforcement should be avoided if possible, because communities’ perception of biases is amplified as they see themselves as victims but not perpetrators or breakers of the law.
ACHIEVEMENTS

1. Core Competence Areas (KSA) Identified for Marine Police Unit (MPU).

- **Fisheries Law and Compliance**
- **Marine & Coastal Ecosystems**
- **Fishing Sector** (gear, boats, fishery system, people, culture, terminology, trends)
- **Communication & Stakeholder Engagement**
- **Marine Enforcement Operations & Protocols**
- **Leadership, Ethics and Innovation**

2. SoP Drafted to Ensure improvement in Enforcement Operations & Protocols

<table>
<thead>
<tr>
<th>Functional Job Roles at MPU</th>
<th>Example of Common MPU Titles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fisheries Field Operations</td>
<td>Constable</td>
</tr>
<tr>
<td>In Charge Field Officer</td>
<td>NCO's (corporal, sargent, inspector)</td>
</tr>
<tr>
<td>MPU Investigator/Prosecutor</td>
<td>NCO's and above</td>
</tr>
</tbody>
</table>
ACHIEVEMENTS...

3. Comprehensive Training Curriculum on Fisheries Enforcement completed.

4. A total of 105 Marine Police and FUE personnel have been trained in fisheries enforcement for the first time. ToT scheduled for April and May 2017 for 40 identified MPU personnel (copies of relevant laws provided for them, Mentoring underway, ToT scheduled this year, etc)
5. FoN under SFMP has provided Material support to Anyinase Marine Police (furniture, Computers and accessories, etc) to support workshops and training events

6. Vehicle donated to FC for Fisheries Enforcement (enhance capacity for enforcement).
KEY CHALLENGES TO EFFECTIVE ENFORCEMENT

• Widespread IUU,
  – High seas illegal industrial fishing; poaching, dumping of fish, transshipment and other illegal practices (fishing without licence, unapproved use of chafers, tampering of VMS, IEZ violations, etc)

• local IUU practices by local Ghanaian fishers
  – monofilament net, under-size mesh size, Beach seine in estuaries, use of explosives, chemicals, light fishing unauthorized transshipment, etc.
KEY CHALLENGES TO EFFECTIVE ENFORCEMENT

• Spread of Landing Sites and Inadequate Enforcement.
• Political Interference/ Meddling.
• Weak Collaborative Fisheries Management.
  – Limited Community structures to support compliance and Enforcement actions.
• Inadequate Policy, Legal and Regulatory Framework
• Weak Institutional Coordination for Fisheries Management
• Etc.
The Way Forward

• Provision of adequate budgetary support for enforcement
• Re-strategize for effective enforcement
• Intensify education on the harmful effects of illegal fishing
• Paradigm shift from open access to controlled access
• Freeze on new entries into the fishery
• Completion of canoe registration and implement licensing
MOVING FORWARD

- Align the MPU Induction to Competences through the Implementation of the SoP.
- Orientation for MPU In-Charge Officers through internal ToT programme
- Linking to Community Initiatives (Watch Pilot, IUU Committee, C0-mgt Committees, etc)
- Engaging Fisheries Commission in Capacity Dev. For Marine Police, etc (Introductory Module on MPU at Police Academy and GPS recruitment training, etc)
- Dev & Implement Self-Assessments and Personal Development Plans. (Track and Evaluate Performance, revise strategies, etc)
However Ghana’s fishery is near-crisis, recent stock assessments of small pelagics reported that these stocks are severely overfished and that overfishing continues to exacerbate beyond the level of sustainability. This is due to several factors including Illegal Unreported and Unregulated (IUU) fishing activities.

**Illegal, Unreported and Unregulated (IUU) fishing** is a major problem in the West African Region where vessels from other countries or regions are fishing in Ghana’s EEZ also domestic IUU fishing by Ghanaian fishers is a concern. Both smallholder Ghanaian fishers and high seas industrial fishing companies are involved in illegal activities, such as transhipment, under-size mesh, use of explosives, chemicals, light fishing, fishing without licence, tampering of vessels monitoring systems, etc. IUU poses major threat to the sustainability of the fishery sector in Ghana; the resulting depletion of stocks and ecosystem collapse cause livelihood deprivation for the communities who depend on them.