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SUSTAINABLE FISHERIES MANAGEMENT PROJECT (SFMP)

ENGAGEMENT MEETING WITH CENTRAL AND
WESTERN REGION JUDICIARY ON FISHERIES
CLOSED SEASON 2018

REPORT



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Friends of the Nation

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ACRONYMS

DAA	Development Action Association
FC	Fisheries Commission
FoN	Friends of the Nation
FtF	Feed the Future
FEU	Fisheries Enforcement Unit
GoG	Government of Ghana
ICCAT	International Convention for the Conservation of Atlantic Tuna
ICFG	Integrated Coastal Fisheries Governance Initiative
MOFAD	Ministry of Fisheries and Aquaculture Development
SFMP	Sustainable Fisheries Management Project
SNV	Netherlands Development Organization
STWG	Scientific Technical Working Group
UCC-DFAS	Department of Fisheries and Aquatic Sciences
UNCLOS	United Nations Convention on the Laws of the Sea ()
USAID	United States Agency for International Development

TABLE OF CONTENTS

ACRONYMS	i
TABLE OF CONTENTS.....	ii
FORWARD.....	iii
OBJECTIVE	iv
1.0 OPENING ADDRESS.....	5
1.1 Welcome address – Donkris Mevuta	5
2.0 PRESENTATIONS.....	6
2.1 Closed Season (Professor Kobina Yankson, UCC).....	6
2.1.1 Justification for Closed Season	7
2.1.2 Proper management measures	7
2.2 Ghana’s Marine Fisheries – Management & Challenges (Emmanuel Dovlo)	8
2.2.1 Challenges within the sector.....	8
2.2.1 Management measures	9
2.2.2 Regulations.....	10
2.2.3 Types of fleets.....	10
2.2.3.1 Artisanal Sector	10
2.2.3.2 Semi industrial	11
2.2.3.4 Industrial fleets	11
2.2.3.5 Questions/Comments/Clarifications.....	11
2.3 Enforcement Strategies and Voluntary Compliance for Closed Season (T. Kwadjosse)	12
2.3.1 Scope.....	12
2.3.2 Education and Sensitization.....	12
2.3.3 Coastal Monitoring and Surveillance, Reporting	13
2.3.4 Electronic Monitoring (Fisheries Monitoring Center).....	13
2.3.5 Sea patrol	13
2.3.6 Land patrols.....	13
2.3.7 Arrest and prosecution	13
3.0 CONCLUSION.....	14

FORWARD

As part of the Sustainable Fisheries Management Project (SFMP), FoN organized a one day meeting for the Judiciary (judges from High, Circuit and Magistrate Courts) from coastal-fishing areas in Central and Western Regions on **Monday 30th July, 2018 in Cape-Coast.**

The meeting which was participated in by a total of twenty-eight (28) judges, was addressed by officials from Friends of the Nation (FoN), Fisheries Commission (Closed Season Implementation Committee), and the USAID-SFMP Scientific Technical Working Group (STWG).

The meeting was designed to assist the Ministry of Fisheries and Aquaculture Development (MOFAD) and Fisheries Commission socialize issues pertaining the Fisheries Closed Season (August 7th to September 5th 2018) for all fleets (except tuna vessels).

In governance and natural resource management, maintenance of law and order and also promotion of socio-economic well-being (livelihoods, food and human security) of the people, the collective efforts of all stakeholders compliment that of the key regulator central and local government.

Currently, one major challenge in Ghana's fisheries sector is weak governance; in that there is low participation of key stakeholders. In the precarious scenario of gradual collapse of the Ghanaian marine fisheries attributed to weak law enforcement, it is expedient to rope in all legitimate stakeholders to contribute to sensitization and promotion of voluntary compliance at the local level.

The goal of the five-year USAID-Ghana SFMP is to rebuild targeted marine fisheries stocks through the adoption of sustainable fishing practices and exploitation levels. With a focus on small pelagic fisheries management along the entire coastal stretch of Ghana, the SFMP seeks to rebuild a fishery, which is near collapse. More than 100,000 metric tons of high quality low-cost animal protein that was traditionally available to poor and vulnerable coastal and inland households has been lost. SFMP is also contributing to the GOG's agriculture and fisheries development goals and the USAID's Feed the Future (ftf) development objectives to reduce poverty and hunger.

OBJECTIVE

Friends of the Nation organized a one-day meeting aimed at building the capacity of the judiciary on the national Fisheries Management Plan and the Fisheries Closed Season 2018 declaration by the government of Ghana.

The aim is build the capacity of the participants to facilitate promotion of adequate fair and firm adjudication of the Closed Season 2018 (August 7th to September 5th 2018) in Ghana's marine waters; and also nurture a collaborative relationship between the Judiciary and CSOs in natural resource management (especially fisheries governance).

The SFMP which has two key objectives of contributing to

1. Rebuilding marine fishery stocks; and
2. Increasing political will of the government.

The project seeks to build on gains and lessons learned by the USAID/Ghana Integrated Coastal Fisheries Governance initiative (ICFG) to scale up the latter's successful model for improving law enforcement effectiveness; and extend the Geographical Information Systems (GIS) capacities from the Western to the Central Region (CR) Coordinating Council (RCC), and nine district assemblies (DAs) in the CR.

1.0 OPENING ADDRESS

1.1 Welcome address – Donkris Mevuta

The Executive Director of Friends of the Nation (FoN), Mr. Donkris Mevuta expressed his appreciation to judges for honoring the invitation for information sharing on the Government of Ghana's (GoG) declared Closed Season which the sector regulator, the Ministry of Fisheries and Aquaculture Development (MOFAD) and the Fisheries Commission (FC) are committed to implement/enforce over the period August 7th to September 5th 2018 throughout the coastal marine waters of the country.

Setting the tone, he mentioned that there are a number of fisheries management tools; and Closed Season is one of them, and stated that since 2015, there has been a number of stakeholder engagements of which Closed Season has rated highest as a management tool by the fishers themselves right from Aflao to Avolenu (beyond Half-Assini) – that is along the whole coastal stretch of the country.

He continued that the function is part of the national effort and processes to socialize the Closed Season and engagement of this second engagement of Judiciary (first one held on the 25th in Accra for Justices, Judges and Magistrates nominated by the Judicial Council – comprising the Supreme Court; and High, Circuit and Magistrate Courts' judges and magistrates from the Greater-Accra and Volta Regions); is one of a series embarked upon by FoN within the Sustainable Fisheries Management Project of the University of Rhode Island Coastal Resources Centre under the auspices of the United States International Development Agency (USAID-SFMP). He also mentioned that FoN and partners had met with traditional leaders (Paramount Chiefs and Queenmothers from coastal-fishing areas on the 24th and 25th July in Accra)

He ended the address by noting that, though one month may not be enough a notice to fishers, it still a beginning of the process. He concluded that “we cannot live and allow people indulging in illegal activities to say give me one last chance to go and break the law before you start enforcement” to the wide appreciation of the gathering.

2.0 PRESENTATIONS

2.1 Closed Season (Professor Kobina Yankson, UCC)

The USAID-SFMP is part of President Barack Obama's Feed the Future (FtF) global initiative. It started in 2014 and is implemented by a consortium of Ghanaian partners with the University of Rhode Island Graduate School of Oceanography's Coastal Resources Centre (CRC-URI in the USA) as the lead organization. The project makes great use of local expertise.

The USAID-SFMP established the Scientific Technical Working Group (STWG) to contribute to sustainable fisheries management in Ghana to scientific research and formulation of policies for consideration and adoption by government. The STWG includes the academia, fisheries practitioners and civil society organizations.

To contribute to learning, exposure and adoption of best practices elsewhere, the project has facilitated study trips for stakeholders around the world (viz. Ivory Coast, Senegal, Tanzania and The Philippines) where fishery practitioners and managers in those jurisdictions have been engaged and critical information shared.

Within Ghana, Friends of the Nation (FoN) has gone round many coastal-fishing communities to socialize fisheries management options and Closed Season followed by Closed Areas were adopted as the topmost priority (and as a country, we have not done much to determine Closed Areas yet). Also engaged have been traditional leaders and academia.

Closed Season implementation started in Ghana in 2016 and has taken place in 2017 and already in 2018 (January-February) for all fleets except the tuna and artisanal sectors. The tuna had been exempted because they fish in very far off deep waters and are rigidly regulated by the International Convention for the Conservation of Atlantic Tuna (ICCAT).

Closed Season is basically referred to a period where fishing fleets don't fish and allow gravid fishes to spawn and also protect the eggs. The CPUE (Catch per Unit Effort) is going down. As a nation, we are taking more than (Maximum Sustainable Yield - MSY). From 1990 to 2000, there's been a constant decline. Whilst stocks are dwindling with lower volumes of catches, the sizes of fish caught is also getting smaller by the day.

Fishery laws needs to have scientific justification so this is what the Commission and its stakeholders are avidly doing currently. In the environment, sardenella does not live alone. They also serve as forage for other types of predatory fish.

Past few decades has witnessed a substantial decline in both the pelagic and demersal fisheries resources of the country. Pelagic fishery has had the greatest decline which has serious implication for food security for the country. Demersal resources though seems to be stable but are also actually not in a very good shape. Causes of this resource depletion are not far from sight. High fishing mortality coupled with environmental issues including climate change. Declining catches for pelagic which is the mainstay of the fishery.

From the ogunasomatic studies, we realized that July-August-September is the highest spawning period, and January-February is the minor spawning period. Sardinella prefers cold waters with higher salinity. This happened during the “upwelling” and fish come out to spawn and also moving towards the east.

Question: - Now that there is going to be Closed Season, can one convert from “artisanal” to “tuna” going through the formalities just to continuously keep in the business of fishing?

Answer: - Yes. But you have to join ICCAT after going through all of its requirements. It is technically difficult for an artisanal to convert overnight to a tuna vessel if not impossible.

Comment: - In Ivory Coast, fishers comply with the regulations to the letter, and majority of the fishers are Ghanaian or of Ghanaian descent. Naturally, the catch bigger and more mature fish than is done in Ghana.

Question: - Is there a gazette of fisheries laws?

Comment: - For the sake of monitoring and for the sake of reducing incidences of by-catch, all fleet must observe the Closed Season (and not continue to be “others” but not the artisanals).

2.1.1 Justification for Closed Season

About 70% of Ghana’s fisheries is in danger and we must do something urgently. Economically and scientifically, it is not prudent for fishermen to fish in August in Ghana’s marine waters. Plankton breed in the month and the seasonal natural phenomenon known as “upwelling” and it peaks in the month. This provides appropriate conditions for fish to breed and thrive. Simply put, the fish become pregnant in August, lay eggs in abundance and hatch it (spawn) during the period. We are lucky as fishers themselves are willing to contribute to monitoring the effort as is done in the Philippines; and it’s naturally so as the industry is their own and generally the only source of livelihood. Fishers testify that fish (pelagic) caught mainly in August are oily when smoked indicating the presence of eggs in abundance. With all these coupled with the socio-economic factors, it is good to fix the Closed Season in August.

Fishers themselves testify that the last time in memory they had a bumper catch in August cannot be recollected. And they have to invest more and more resources year-in year-out yet harvest a constantly decreasing catch.

2.1.2 Proper management measures

Small pelagic fish (sardinella) commonly referred to as “herrings” are the “people’s fish”. It is at a critically low level and close to depletion. It needs to recover to rejuvenate the livelihoods of some 10% of the Ghanaian population that depend on fisheries (value chain); and sustenance.

Question: - It may be too late to table blame but why has it taken us so long as a nation to implement Closed Season?

Answer: - Gap in fish supply has been filled by importation. It didn’t seem critical till a group in the Ministry of Fisheries and Aquaculture Development (MOFAD) bought into the idea after a

presentation by CSOs. About 70% of the fish we eat comes from the artisanals (fish from tuna sector is usually exported); therefore justification to protect the sector till it cannot continue like that anymore.

Comment/Question: - We learnt that a similar sensitization program was to take place in Keta but the Minister was woefully late so the fishers dispersed in frustration. If the sensitization is mainly targeted at fishermen because we all want them to voluntarily comply, then we must push all seriousness into engaging them.

Question: - Where does an arresting officer keep confiscated fish and at whose cost?

Answer: - All trawlers have freezing facilities that run on engines. And the engines are always kept running (at a minimum level) even if the vessel is docked at port to keep it buoyant. Therefore to refuse to operate the freezer for preservation of “incriminating fish” (evidence) because it will be used against you is tantamount to breaking the law.

2.2 Ghana’s Marine Fisheries – Management & Challenges (Emmanuel Dovlo)

Mr. Emmanuel Dovlo of the Fisheries Commission and a member of the Scientific and Technical Working Group (STWG) educated the gathering on the current, and other facts within the sector.

The country has a coastline of **550 km** and a total continental shelf area is approximately **24,300 km²** (relatively narrow continental shelf to a depth of around 75 –120 metres); and a trawlable area of 169,000km².

Ghana’s fishing industry is based on resources from both marine and inland (freshwater) waters. It includes coastal lagoons and aquaculture. Fish is the country’s a cheapest source of animal protein (contributing 60% of protein requirement). It is a source of employment for over 2 million coastal dwellers and workers along the value chain. As a foreign exchange earner, an estimated approximation of US \$1 billion in total revenue each year is accrued from the sector. To address the general fluctuations and declines in the marine fisheries with the exception of the tuna sector coupled with man-made activities. The government has enshrined in the ACT - Section 42 a *management plan (2015-2019)* to reverse and improve issues threatening food security, livelihoods and also to meet international obligations.

2.2.1 Challenges within the sector

The fisheries in an area is said to have collapsed when it get to the threshold of 10% or below what is your possible catch. Interestingly, landing of the industrial fleet has gone up since 2017. This maybe attributable to the Closed Season but it is not conclusive yet.

Technically, fishery scientists are able to measure the “volume” of fish available within a defined space by using acoustics survey (research vessels) and caught fish data.

The artisanal sector provides about 70% of what is consumed locally thus contributing significantly to food security. The sector also provides livelihoods for a myriad of citizens so it must be handled with care. The science must therefore be balanced with interventions.



Fig.1: – Mr. Emmanuel Dovlo taking the judges through the key fisheries issues

The interest of the state in fishery infraction issues is not to take retributory actions against offenders but to make sure they are reformed/remorseful (reconciliatory) and do not go back to the “bad ways”. Custodial (prison) sentences are therefore not made against culprits but they are fineable and made to pay for the infraction.

2.2.1 Management measures

The National Fisheries Management Plan (NFMP 2015-2019) is intended to reduce excessive fishing effort exerted in all fisheries. Some actions to take in the plan are:

- Reduction in fishing days for trawlers (scaled annually).
- Deletion of inactive boats.
- Enact Closed Seasons.
- Revoking of licenses for violators of fisheries laws and regulations.
- Replacement scheme for registered vessels.
- Control of new entrants to the fishery by encouraging alternative livelihoods.
- Facilitate co-management systems in communities with other stakeholder institutions.
- Strict adherence to current ICCAT capacity limits allocated to Ghana.

Currently, there is low level of protection of marine biodiversity therefore the need to designate and create marine habitat protection areas, through research along the coast to protect nursery areas and spawning grounds, mainly in estuaries and mangrove areas (close areas).

The country must also deal appropriately and adequately with oil /gas/ fisheries/etc. issues such as breeding grounds off the Western shelf.

Lastly, there must be active collaboration between government (Ministries, Departments and Agencies - MDAs), research institutions, academia and NGO's in protecting marine resources.

2.2.2 Regulations

The Ghanaian fisheries industry is **regulated** by:

1. Fisheries Act, 2002 (Act 625);
2. Fisheries (Amendment) Act, 2014 (Act 880);
3. Fisheries Regulation, 2010 (LI 1968);
4. Fisheries (Amendment) Reg; 2015 (LI 2217).

These legislations provide for sustainable resource exploitation and development of the industry under policy directions from the Ministry and and technical support from the Commission.

2.2.3 Types of fleets

2.2.3.1 Artisanal Sector

Gears that are operated from canoes are grouped as: **1.** Purse seine; **2.** Beach seine; **3.** Set nets; **4.** Drifting gill nets; **5.** Hook & line.

There more than 12,000 canoes operating from over **300** landing sites with most undertaking daily trips except large hook & line canoes that stays up to 5 days at sea. *Sardinellas* form the backbone of the artisanal fisheries and most abundant between July and September. Some other estimates put the number of canoes at 14,000.



Figs 2 and 3:- Artisanal fishery - Canoe fishery using a variety of gears including the encircling nets, beach seine etc. number 11583 (*frame survey 2016 register*).

2.2.3.2 Semi industrial

These dual-purposed wooden hull crafts operates with inboard engines, often purse-fish during the major, and trawl in the off seasons respectively. They target species that are mainly the sardinellas and other demersal or semi-pelagic species (sardinellas and mackerels).



Fig 5:- Inshore semi-industrial boats



Fig 6:- Industrial vessel

2.2.3.4 Industrial fleets

Industrial fishery target a variety of valuable demersals and mainly trawl off the central and western shelf of the coast.

2.2.3.5 Questions/Comments/Clarifications

- **Judge Emmanuel Brenu:** - Are there provisions for using drones in monitoring and enforcement of Closed Season?

Is the time not too short to implement the Closed Season?

Answer (Mr. Dovlo): - Sensitization started long ago. The complain of fishers is that the timing has been too abrupt. Also, since the declaration of the Closed Season, active engagements and sensitization has been going on. The police, Fisheries Enforcement Unit (FEU) and all local stakeholders are being involved.

The hotspots (e.g. Akplabanya, Apam, Elmina, Sekondi, Axim) are going to be paid special attention as we do not have resources to go everywhere.

The Commission has made sure that all trawlers are equipped with functioning transponders.

Answer (Prof. Yankson): - Fisherfolks are in the hundreds of thousands. One cannot easily engage them all one by one. Therefore CSOs engage their leadership, and the latter go down to disseminate the information at the grassroots. So if information is not reaching the grassroots, it is clear where the gap is.

Answer (Donkris Mevuta): - We have been engaging them all through the layers but actions are concentrated on their leadership.

2.3 Enforcement Strategies and Voluntary Compliance for Closed Season (T. Kwadjosse)

As a signatory and a ratifier of the United Nations Convention on the Laws of the Sea (UNCLOS), Ghana is supposed to come up with a Fisheries Management Plan. So Ghana has the National Fisheries Management Plan (NFMP 2015- 2019) and have declared a Closed Season.

2.3.1 Scope

There is an estimated 14,000 canoes in 300 coastal-fishing communities in Ghana. There are 75 trawlers in operating from two (2) ports (Tema and Takoradi). Furthermore, there are 140 semi-industrial vessels in operating from Sekondi, Apam, Mumford, Cape-Coast, Half Assini and Tema as bases.

Identified hotspots are Akplabanya, Kponkpo, Lekporwornu, Awiam, Tema, James Town, Chokor, Winneba, Apam, Mumford, Moree, Elmina, Komenda, Abuesi, Sekondi, Axim and Half-Assini. Fishers from these hotspots especially, and other places are recalcitrant and many times hostile to law enforcement activities. A few years ago, fishermen from Sekondi went westwards to the Axim area to engage in illegal fisheries whilst the local fishers themselves have placed a moratorium on illegal fishing activities resulting in violent skirmishes at sea.

2.3.2 Education and Sensitization

The Commission is carrying out education and sensitization programs in many communities. This will be intensified prior, during and after the Close Season (through community for a, radio and TV discussions, radio announcements, Information Service Department (ISD) info vans.



Fig.6: Mr. Theodore Kwadjosse addressing the judges

2.3.3 Coastal Monitoring and Surveillance, Reporting

The Commission with support from CSOs (notably FoN) is engaging with traditional leaders; chief fishermen, fishers, Fisheries Commission staff, Fisheries Enforcement Unit Personnel and the Police in Coastal Communities.

2.3.4 Electronic Monitoring (Fisheries Monitoring Center)

Vessels are required to install tracking devices. Specifically, trawlers must install both Vessel Monitoring System (VMS) and Automatic Identification System (AIS); whilst the semi-industrial vessels, AIS only.

2.3.5 Sea patrol

Though the Commission would love to do it daily as a routine, costs would not allow them. Weekly patrols using Ghana Navy and Marine Police assets will therefore be carried out. Personnel to be deployed include Fisheries Enforcement Unit (FEU), Navy and Marine Police.

2.3.6 Land patrols

Weekly beach combing to cover key areas by FEU, Navy and Marine Police.

2.3.7 Arrest and prosecution

Fishers who flout the Closed Season will be arrested by the FEU and Police and prosecuted in accordance with Section 84 of the Fisheries Act, 2002 (Act 625).

2.3.7.1 Questions/Comments/Clarifications

- **Question (Justice Dennis Adjei):** - Why is the freshwater sector not part of the Closed Season?
Where is “trigger fish” (Ewura Efua)?
Answer: - The Closed Season is based on the National Fisheries Management Plan (2015-2019) which is solely for the marine sector.
Trigger fish is currently out of Ghanaian waters due to Climate Change issues (low temperature of the sea and relatively low salinity levels causing the fish to migrate elsewhere).
- **Question:** - Who regulates the construction of artisanal boats.
Answer:- It is difficult to monitor them. It is easier monitoring the semi-industrial as they must register before going to sea and they are being tracked successfully, which was not the case until recently.
Tracking and regulation of construction of artisanal canoes is currently not being done but needs to be initiated soon.
- **Question:** - In course of a trial, can the police ask for the suspect to pay for storage of the evidence (illegally caught fish)? Whose “burden” is it to preserve the exhibits?
Answer: - If it is a trawler, then it should be kept in the hold of the vessel (refrigerator). Routinely, the engine must be on partially (auxiliary engine) even when docked at port and this is what powers the refrigerator.

However, in the final analysis, the onus lies on the arresting officer to preserve the exhibits and not the suspect.

- **Question:** - An arrested was docked at Sekondi Fishing Harbor. After a few days, water starts seeping in. If the suspects are acquitted, who will pay for the damages to the vessel?

Answer:- When a suspicious vessel is apprehended, legally, it is only the captain and the engineer who are taken into custody to assist in investigation and not the entire crew.

3.0 CONCLUSION

Justice Dennis Adjei expressed the Judiciary's appreciation for the opportunity to enhance the knowledge of the participants on fisheries issues in general, and the Closed Season in particular.

He entreated his colleagues to keep on reading to enrich their grasp of the Fisheries Laws, and not to hesitate to contact relevant stakeholders for information when there is the need.

The participants also expressed their gratefulness for having their knowledge enhanced, and prayed that similar programs must be run for all prosecutors so as to enhance the efficient delivery of justice in fisheries laws adjudication.