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# Ghana Coastal Fisheries Governance Dialogue

## Developing Options for a Legal Framework for Fisheries Co-management in Ghana



February 26 – 27, 2013, Elmina Beach Resort

Compiled by:

Tendayi Mutimukuru-Maravanyika, Cephas Asare, Godfred Ameyaw, David Mills and Kofi Agbogah

Hen Mpoano



This publication is available electronically on the Coastal Resources Center website at <http://www.crc.uri.edu> and the WorldFish website at <http://worldfishcenter.org>.

For more information contact:

Brian Crawford, Director of International Programs  
Coastal Resources Center  
University of Rhode Island, Narragansett Bay Campus  
South Ferry Road  
Narragansett, Rhode Island 02882 USA  
Email: [brian@crc.uri.edu](mailto:brian@crc.uri.edu)  
Tel: 401-874-6224  
Fax: 401-874-6920

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## **Abbreviations and Acronyms**

CBFMC	Community Based Fisheries Management Committee
CRC	Coastal Resources Centre
CSO	Civil Society Organisations
DFID	Department for International Development
FC	Fisheries Commission
FON	Friends of the Nation
GDP	Gross Domestic Product
GNCFC	Ghana National Canoe Fishermen's Council
GOG	Government of Ghana
ICFG	Integrated Coastal and Fisheries Governance Programme
IEZ	Inshore Exclusive Zone
LI	Legislative Instrument
LPG	Liquid Petroleum Gas
MOFAD	Ministry of Fisheries and Aquaculture Development
MPA	Marine Protected Area
NGO	Non-Governmental Organisation
NM	Nautical Miles
TURF	Territorial Use Rights Fisheries
USAID	United States Agency for International Aid
VMS	Vessel Monitoring System
WARFP	West African Regional Fisheries Programme (WARFP)

## Executive Summary

The Third National Fisheries Governance Dialogue was a direct follow up on the Second National Fisheries Governance Dialogue held in Elmina in April 2012. It was agreed at the Second dialogue that co-management was the way forward for sustaining Ghana's fisheries and that its success would depend on a supportive legal framework (Mills *et al.*, 2012). A mandate for co-management was shared by the recently appointed Minister of Fisheries and Aquaculture Development, Honorable Nayon Bilijo. The Hon. Minister's keynote address at the Third Dialogue affirmed that co-management would help address some of the challenges faced by the fisheries sector in Ghana. He promised to bring on board his experience in implementing co-management in Ghana's forestry sector.

Although stakeholders agreed on reforms towards co-management, issues concerning a co-management structure and whether the existing legal framework supported co-management or not were not clear after the Second Dialogue. Thus, prior to the Third Dialogue a consultation process was initiated to:

- facilitate discussions with key stakeholders for ideas and inputs on Ghana's co-management structure
- conduct a policy analysis to determine whether Ghana's fisheries laws supported co-management.

The Third Fisheries Dialogue aimed to:

- inform stakeholders of the outcomes from the stakeholder consultation process,
- inform stakeholders on outcomes of the policy analysis, and the steps required to move towards a supportive legal environment for co-management, and
- provide a forum for discussions of ideas that could feed into the development of a co-management structure and legal framework for Ghana.

The two-day meeting was attended by 79 fisheries stakeholders representing government, donor agencies, research institutes, fisher folks, non-governmental organisations and civil society organizations (see Annex 1). The meeting began with four key presentations on: status of fisheries in Ghana; co-management (what it is and what it entails); outcomes of stakeholder consultations for co-management structure; and outcomes of the policy research on the legal framework. These were followed by four breakout groups that discussed the potential co-management structures for four different fisheries: pelagics, demersals, freshwater (Volta Lake), lagoons and estuaries (see Annex 2 for the detailed workshop programme). In another session participants played a fishing simulation game that aimed to demonstrate the consequences of an open access fisheries management system and the impacts of different forms of managed access.

Key messages from the Dialogue include:

- Fisheries management in Ghana is currently centralized, and this poses challenges for co-management. Depending on the type of fisheries, some major fisheries management tasks and responsibilities need to be decentralized. Authority will need to be maintained at the national level for the management of pelagics, but some authority could be devolved to lower levels of management (e.g., regions, district and communities) depending on the nature of the fisheries.
- There should not be a 'one-size-fits-all' structure for co-management as this, in most cases, does not work. Co-management structures will therefore differ with the

biology/ecology and social structure of a fishery. It was generally agreed that there was need for three key structures:

- **National-level management for pelagic fisheries.** Laws will be developed to manage pelagic fish at the national level since they are highly migratory and cross regional and national boundaries. Management will also need to involve enforcement agencies (e.g. Marine Police and Navy).
  - **Regional-level management of near shore demersal species and the Volta Lake.** Management authority should be devolved to the regions with **full** authority to approve management plans for fisheries resources in their areas. For rule making, two options were discussed: rules to be made at national level and implemented at regional level; and rules to be made at the regional level and approved/enacted at the national level. The Volta Lake was included under the regional level co-management structure as it crosses many regions.
  - **Local management of lagoons and estuaries and small freshwater lakes.** Management and rule making powers devolved to local communities – and the rules made to be passed as by-laws by district assemblies.
- Although the existing fisheries policy supports co-management, there are no legal instruments for operationalising co-management in Ghana. The existing fisheries legislative instruments (LI) do not clearly specify how co-management should be implemented.
  - Although some aspects of co-management can be implemented under the existing legal framework, others will require amendments to the Fisheries and Local Government Acts and their LI. For example, under the existing legislation there is provision for setting up advisory groups for fisheries management – however, they only have advisory powers with no decision making powers. Also, because fisheries law making is centralized, districts, regions or communities will not be able to formulate and enforce fisheries management by-laws under the existing law.
  - The fisheries laws as they are, do not directly link up with other relevant laws, e.g. the Local Government Act.

### **The way forward**

The following actions were identified as crucial by participants:

- some fisheries management activities should be decentralized, depending on the social and ecological characteristic of the fisheries. There is need to critically think about which of the fisheries should be decentralized (e.g., artisanal vs. industrial).
- The fisheries laws must be linked up with other existing laws such as the Local Government Act.
- the current Fisheries Act must be amended and a new legislative instrument for co-management should be developed.
- A fisheries co-management working group should be formed at national level. A suggestion was made for the Fisheries Commission to take a leading role in organizing and facilitating the activities of this group. The working group could meet regularly to discuss co-management issues for Ghana.
- The outputs from the dialogue should serve as a base for a consolidated co-management structure for Ghana. The Hen Mpoano Initiative was tasked to:
  - lead the drafting of a Memorandum in collaboration with the Fisheries Commission and the Attorney-General’s Department for consideration by the Ministry of Fisheries and Aquaculture Development. This task will include developing the necessary drafting instructions for amendments to the Fisheries

Act and a new LI to implement the outcomes of the Third Fisheries Governance Dialogue.

- summarize and publish the Dialogue outcomes in the press to inform the public, and
- arrange through the Speaker of Parliament to meet with members of the Parliamentary Sub-committee on Subsidiary Legislation to update them on fisheries issues.



## Background

### A fresh approach to fisheries management - towards the creation of legal space for co-management

The importance of fishing as an economic activity in Ghana cannot be overemphasized. It is a source of livelihood for about 10% of the population whose activities include catching, processing, marketing, selling of inputs and providing services to the industry. Ghanaians consume an average 23 kg of fish per person per year, and this is well above the global average of 16 kg per person per year. Fish is a preferred source of protein for most Ghanaians and is therefore critical for food security. In terms of nutritional dependency on fish, Ghana ranks sixth worldwide after Maldives, Cambodia, Vietnam, Thailand and Bangladesh (Allison et al., 2011) and ranks number one in Africa. The importance of the fisheries sector in Ghana has recently been emphasized by the re-establishment of the Ministry of Fisheries and Aquaculture Development (MOFAD) by the Government of Ghana.

The fishing industry thrives on healthy fish stocks and sustainable fisheries. The Ghanaian fishing fleet is made up of the artisanal or canoe, inshore or semi-industrial, industrial trawler and tuna fleets. Almost 75% of the marine catch is consumed in Ghana whilst 25% (consisting of high value demersal species and the tunas) is exported (Amador<sup>1</sup>, 2013). The bulk of the marine fish that is landed comes from artisanal fishers who are highly dependent on *Sardinella* species. They also target a suite of other pelagic and demersal species.

Over the years, all the fleets have increased in number. Fishing effort has also increased with fishers using a variety of techniques such as light, dynamite, larger ice boxes and chemicals to secure their catch. Available fisheries data show that landings of small pelagics have decreased dramatically over the last two decades. Most notably, is the drop in catch of *Sardinella* in 2009 to 13% of the historical maximum achieved in 1992. According to Mullan et al. (2005), when the yield is less than 10% of its historic maximum the fishery is considered as collapsed. The *Sardinella* fishery was therefore near collapse in 2009 and the livelihoods for fishers and food security for Ghanaians was under threat.

### The Third Dialogue

After recommendations from the Second Dialogue (held in Elmina in April 2012) that co-management was a possible way forward for sustaining Ghana fisheries, crucial questions emerged. These include: what type of co-management structure should be implemented to avoid past co-management failures? Can co-management be implemented under the existing legal framework? If no, what type of legal framework is needed to support co-management?

To address these questions two activities were undertaken prior to the Third Dialogue. These are: (a) stakeholder consultations in all of the four coastal regions of Ghana and fishing communities along the Volta Lake to generate some answers and gather stakeholder views on co-management frameworks; and (b) research to find out if the existing legal framework for fisheries supported co-management or not.

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<sup>1</sup> Kofi Amador is a senior fisheries officer at the Marine Fisheries Research Division, of the Ministry of Fisheries and Aquaculture

The Third Stakeholder Dialogue was therefore a platform for fisheries stakeholders to get feedback on the activities conducted and to jointly agree on a co-management structure for Ghana and generate ideas for a co-management legal framework.

The two day dialogue meeting consisted of four key presentations focusing on: the current status of fisheries in Ghana; co-management as a fresh approach to fisheries; outcomes from the regional stakeholder consultations on co-management structure; and outcomes from the research on the legal framework. The presentations were followed by four breakout groups that generated ideas for co-management structures for different species namely pelagic fish or *Sardinella*, near shore demersal, Volta lake, and lagoons and estuaries. Key elements for co-management structures and elements of a co-management legal framework were later identified during plenary discussions.



**Workshop participants and their interactions**

## Speeches and Statements



### **Speech by Session 1 Chairperson: Hon. Kwabena Okyere Darko-Mensah**

The chairperson emphasized the importance of fisheries to Ghana's economy noting that the sustainability of the industry was under threat and that there was need find new ways of managing the fisheries to ensure that fisher folks could sustain their livelihoods.



### **Welcome and Introduction: Mr. Kofi Agbogah, Chief of Party, Hen Mpoano**

Mr. Kofi Agbogah welcomed participants on behalf of the Hen Mpoano Initiative<sup>2</sup> and its partners. He highlighted conclusions from the Second Dialogue that: the development of a framework for fisheries co-management in Ghana was essential; the need to clarify if the existing fisheries laws supported the implementation of co-management in Ghana; and that Hen Mpoano and partners should initiate a process to develop a framework for the implementation of fisheries co-management in Ghana. He pointed out that the Third Dialogue was being organized to help develop a legal framework for fisheries co-management in Ghana.

He later highlighted that the Hen Mpoano Initiative strongly endorsed and supported Ghana's Fisheries and Aquaculture Policy and the associated Strategic Development Plan. He however pointed out that, studies conducted by the Hen Mpoano Initiative in the Western Region and the national fisheries records revealed challenges and gaps that hinder the achievement of the Fisheries and Aquaculture Policy objectives.

He mentioned that the role of artisanal fishers in the management of fisheries in Ghana was not clearly defined and there was need to involve them in the management of the fisheries. The involvement of the fishers (co-management) would however require legal support to give both the government and fisher folk power to manage fisheries. (See Annex 3 for his full speech.)

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<sup>2</sup> A USAID funded four year project that was initiated in 2009 after President Obama visited Ghana and urged Ghanaians to build strong governance institutions.



### **Statement: Dr. Cornelius Adablah, Project Coordinator of WARFP Project Ghana**

Dr. Cornelius Adablah gave an overview of the West African Regional Fisheries Program (WARFP) in Ghana<sup>3</sup>. The Ghana component is a six year US\$53.8 million intervention funded by the World Bank and the Global Environmental Facility to arrest the declining situation in the fisheries sector. Unlike the other West African countries, Ghana's component includes aquaculture development. The Ghana program aims to:

- Reduce fishing capacity and cap canoe numbers
- Build effective fisheries management capacity and strengthen fisheries governance so that the over-exploited canoe fisheries could recover.
- Invest in value addition
- Develop aquaculture and increase the total annual aquaculture production to 35,000 tons
- Increase value and profitability in the sector and the stabilization in annual net economic benefits to Ghana from targeted fisheries, and
- Reduce illegal fishing by increasing the total number of patrol days at sea

The above aims are divided into four main components:

- Component 1: Good governance and sustainable fisheries
- Component 2: Reduction of illegal fishing
- Component 3: Increasing the contribution of fish resources to the national economy
- Component 4: Aquaculture development



### **Speech by Cheryl Anderson, Mission Director, USAID Ghana**

Ms. Anderson highlighted the importance of fisheries to Ghana's economy employment and food security. She pointed out that: the mainstay of artisanal fishery (which contributes approximately 70 percent of the total national fish catch) was now under threat from destructive fishing methods and uncontrolled fishing; there was a decline in small pelagic fish from 120,000 metric tons/per year to about a decade ago to about 30,000 metric tons/ per year in the last few years. This, she highlighted, was a crisis for fishermen, fish processors and their families.

She later highlighted that as the government of Ghana placed high importance on the fisheries, new policies and procedures were needed to improve fisheries governance in order to rebuild fish stocks. She pointed out that short and long-term measures were needed to reduce the pressure on the fisheries - these measures may create hardships for some in the short term. However, if significant action is not taken now, Ghana will suffer the fate of other great fishing nations that have seen the collapse of their fisheries.

She ended by highlighting that USAID was funding the Hen Mpoano Initiative to support the Ministry (and Fisheries Commission) to identify new and effective ways for fisheries

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<sup>3</sup> The programme is also being implemented in other selected West African Countries)



governance. Through the dialogue, USAID hoped to build momentum and formulate recommendations for the Ministry that is based on lessons learned under the Initiative. (See Annex 4 for her full speech.)



### **Key Note Address: The Honourable Nayon Bilijo, Minister of Fisheries and Aquaculture Development**

The Minister noted that issues that were being discussed at the Dialogue meeting reminded him of similar issues he faced when he joined the Ministry of Lands and Forestry as a Deputy Minister in 1997. During his term of office they re-established the Forestry Commission and enacted laws for sustainable forest management.

Given the similarity in the issues— (over capacity, illegal fishing, sustainable management of fisheries and declining fish stocks) - he hoped to bring his experience on co-management from the forestry sector to tackle the challenges in the fisheries sector. Co-management, he noted, would help to bring positive results to the sector.

He highlighted that the Government of Ghana (GOG) had identified the fisheries sector as one of the key economic sectors with potential to contribute significantly to employment, GDP, foreign exchange earnings, nutrition, raw materials for industry, food security and poverty reduction. However, the sector had so far not been able to achieve its full potential. The Ministry of Fisheries and Aquaculture Development (MOFAD) has been re-established to give the fisheries sector the necessary policy focus, direction, and to help tackle the challenges faced. The Minister commended Hen Mpoano for taking the lead in outlining a framework for fisheries co-management in Ghana, as well as proposing a path on how this could be operationalized and with a clear legal mandate.

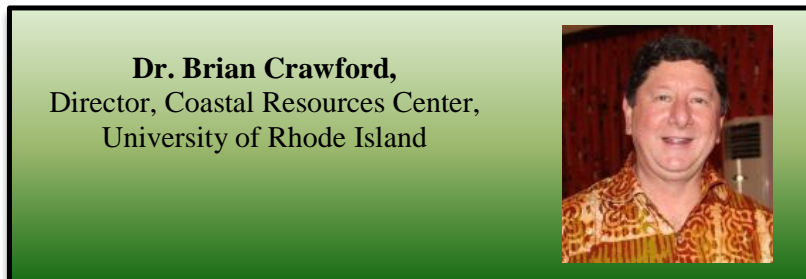
The Minister acknowledged that the Fisheries Act 2002, Act 625 and Fisheries Regulations 2010 (LI 1968) did not adequately cover co-management, therefore, improving fisheries governance using co-management approaches among others, would require a review of the Fisheries Act and Regulations. The Minister encouraged participants to do their best to provide recommendations to move the fisheries sector forward. (See Annex 5 for his full speech.)



**Dialogue Participants**

Session 1: Overview – status of fisheries, need for co-management, outputs from regional consultations and requirements for legal system reform

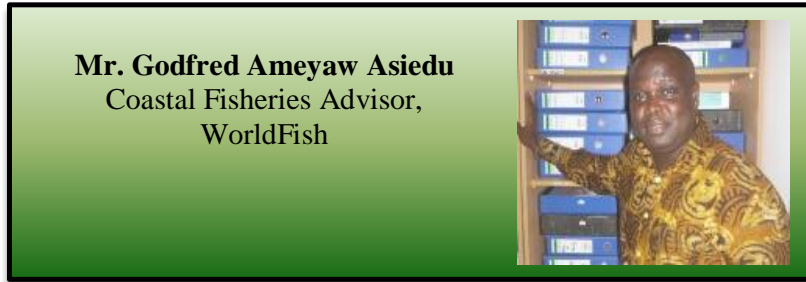
### **Presentation: Dialogue Objective and Structure**



Dr. Brian Crawford highlighted that the meeting aimed to: help the stakeholders in the fisheries sector chart a new path for the future of the fisheries industry given the current decline in fish stocks. He pointed out that although depressing, there were ways for reversing the situation if a strong framework for co-management is developed and enabling conditions (e.g. legal framework) are put in place.

He pointed out that the outcomes of the Dialogue would provide inputs into a framework for co-management as well as inputs for the review of the legal framework for fisheries management. The results should therefore benefit the WARFP project which has a component on reviewing the fisheries legislation. He ended by highlighting that the variety of stakeholders present (government, legislature, fishing industry players universities and civil society) had the opportunity to design a structure that will contribute to solving the challenges faced by Ghana's fisheries sector.

## Presentation: Current Status of Fisheries



Mr. Godfred Ameyaw gave an overview of the fisheries sector in Ghana. He pointed out that Ghana's fisheries were in crisis with rapidly declining fish catch, increasing number of fishers, and massive increase in effort. He emphasized the urgent need for reform from open access to managed access or else food security and people's livelihoods would be threatened.

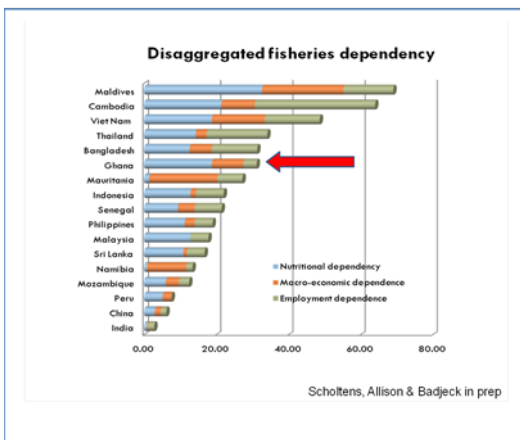
### Key messages

- The fishing industry creates a diverse array of livelihoods
- Ghana's dependency on fish for nutrition is higher than any other African nation
- In Ghana the fishing fleets include: canoes, semi-industrial, industrial and tuna vessels
- At the moment there are too many vessels in each fleet and the number is still increasing
- Some fishing methods employed by fishers are damaging to the fishery
- Fish catch has declined over the years; in 2009, the *Sardinella* fishery was near collapse (total catch was 13% of the historical high)
- There has been a massive increase in fishing effort (increase in net length, longer fishing trips, etc.)
- Fish resources can be grouped into three categories: small pelagics, large pelagics and demersals
- Small pelagic stocks have been declining over time; when a fishery collapses it can take many years to recover - an example is the Atlantic cod. However, if a fishery is near collapse and appropriate measures are taken, the fishery can recover - an example is the North Sea Herring stocks.
- Ghana's fisheries are in crisis - food security and livelihoods of fishing families are threatened and there is an urgent need for reforms

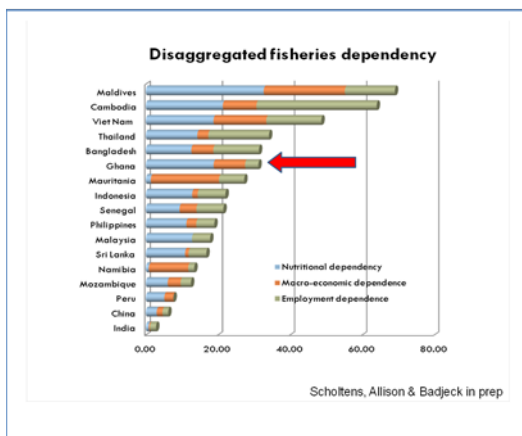
## Selected Slides



Fisheries create many jobs. It has been estimated that one fishing job creates seven others such as processing, marketing, ice-making, boat building, maintenance, net-making, transport, fuel supply etc.



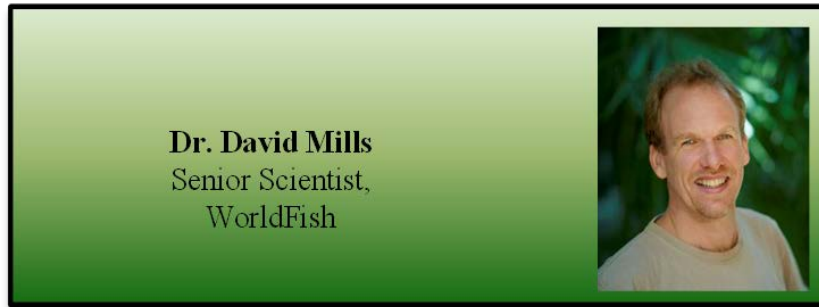
This slide shows the dependency of Ghana on fisheries for nutrition, economic development and employment creation. Ghana's dependency on fish is ranked number six worldwide and number one in Africa.



The *Sardinella* species, the most important fish for the artisanal fishing sector and food security in Ghana, appears to be near collapse.



## Presentation: Towards Fisheries Co-management in Ghana



Dr. Mills reiterated the urgent need for reforms especially for the *Sardinella* fisheries for the canoe fleet. He pointed out that there was a window of opportunity for transformation in Ghana as fishers themselves were calling for reform while the Fisheries Commission had set a mandate for change through its Fisheries and Aquaculture Development Plan, and two major donors (the World Bank and USAID) were supporting the change process. Dr. Mills explained why the classical top down management of fisheries had failed and the need for a reform towards co-management. He highlighted the benefits of co-management and key lessons learned from global, regional and local experiences. He proposed a possible structure for co-management in Ghana.

### Key messages

- With the looming crisis in Ghana's fisheries, 'business as usual' is not an option. Tailoring solutions to the local context is critical and there are many global and regional lessons that have been learnt.
- Change is needed to return to a healthy fishery that provides nutrition and productive livelihoods for coastal communities. However, there are technical challenges which include: urgent need for effort reduction; dispersed operations (many small landing sites); high mobility of people and fish; strong social welfare/ backstop nature of fisheries and premix subsidies
- Classical top-down management ignores the human dimension, creates conflicts, is expensive and often fails to work in a developing country context. There is a need to facilitate reform towards co-management.
- Co-management is a possible way forward and requires resource users and government to form partnerships, make decisions together and promote voluntary compliance through legitimate processes of rule-making.
- It is not possible for Ghana to move forward with co-management without a framework which engages stakeholders. Legal systems to support the mandate of co-management units are critical.
- With regard to the co-management framework, simplicity is a key to success. The scale of management decisions must match the scale of the resource system and it is important to consider the design principles that have been identified by many researchers as key for success in collective action. These include: communities must retain the ability to organize; benefits of management must outweigh the costs; and monitoring of activities and their outcomes is crucial
- Traditional institutions must be involved in the co-management process, but not necessarily lead the process.
- Financial support to resource management institutions/ groups is necessary—voluntary labor alone cannot sustain them.

## Selected Slides

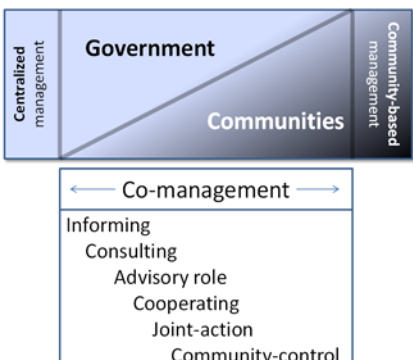


### Challenges for management reform

- We do not have to re-invent the wheel, but....
- ....technical challenges above and beyond the normal challenges of managing natural resources in a developing country
  - Urgent need for effort reduction
  - Dispersed operations
  - Mobility of people and fish
  - Strong social welfare/backstop nature of fisheries
  - Premix subsidies

This slide lists some of the extra challenges that can be faced when trying to facilitate reform in fisheries in developing countries such as Ghana.

### Co-management as a spectrum



← Co-management →

Informing  
Consulting  
Advisory role  
Cooperating  
Joint-action  
Community-control

Co-management is a continuum and decisions have to be made on where to operate within this continuum.

### A possible structure for co-management

Governance Structure	Jurisdiction/ Ecosystem Type	Fish Stocks	Tools for Management
Local management units (CBM) (w/ decentralized authorities)	<ul style="list-style-type: none"> <li>• Rivers, lagoons, estuaries, lakes</li> <li>• Nearshore bottom living (demersal) marine species (0 - 6 NM)</li> </ul>	Tilapia, catfish, bivalves, mollusks, crustaceans, demersal marine finfish (e.g. grouper) in local management areas	MPAs, TURFs, gear prohibitions, closed seasons, mesh and species size limits
Representational Co-management (w/ centrally retained authorities)	<ul style="list-style-type: none"> <li>• Pelagic upwelling ecosystems (0-200 NM)</li> <li>• Offshore benthic ecosystems (6 - 200 NM)</li> </ul>	Pelagic and offshore demersal marine species managed at the national scale	Closed seasons, gear prohibitions, mesh size limits, limited licensing, output limits

The slide shows two possible structures for co-management: the first structure with authority decentralized to local authorities for the management of rivers, lagoons and near-shore demersal species; the second structure with authority retained at the national level for the management of pelagic species and offshore demersal stocks.

## **Session 1 Discussion: Status of Fishery Resources and Co-management**

Mr. Richster Amarfio, a co-convener for the Fisheries Alliance and Mr. Sam Quatey, the Director for Fisheries Commission contributed to the discussions.

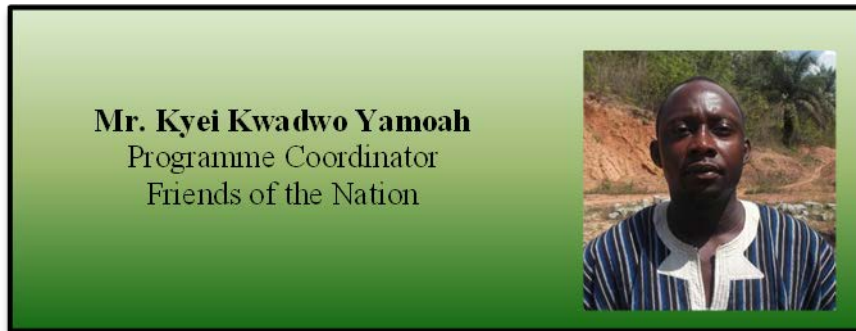
### **Key Points**

The approach to fisheries co-management needs to be holistic, ecosystem based, and multi-sectoral. There is a need to engage with other sectors such as water and mining. Other considerations should include fish habitats, subsidies, environmental pollution and climate change that affect the status of the fisheries.

### **Chairman's closing remarks**

Recapping the morning's discussions, Hon. Kwabena Darko-Mensah emphasized the following points: stakeholders had gathered to discuss the fisheries resources which were facing challenges; the need for a legal framework to support co-management of fisheries; and participants were being urged contribute ideas and reach consensus on a framework for co-management of fisheries in Ghana.

## Presentation: Regional Consultation on a Co-Management Framework



Mr. Kyei Yamoah presented an overview of the regional consultations on co-management conducted by the Fisheries Alliance between December 2012 and February 2013. The consultations were held in several regions - Western, Central, Greater Accra and Volta Region coastal areas (marine) and one in inland Volta Region (freshwater). The Western Region Fisheries Working Group, and participants at an Adaptive Fisheries Co-management training course were also consulted. Discussions focused on: a possible structure for co-management institutions; co-management institutions' mandate, jurisdictions and boundaries; and stakeholders' roles in fisheries co-management.

### Key messages

- A co-management structure should be: guided by Ghana's past co-management experiences; simple, functional and effective; devoid of partisan politics and issues of premix fuel. Fisher folks (including women) must be supported to actively participate in fisheries management.
- Co-management structures should not be "one size fits all", but flexible for easy replication and should have community ownership.
- Local co-management institutions should generate revenue from the fisheries to support management activities.
- Co-management institutions roles could include the following; promote compliance and enforcement of fisheries and local district laws, conflict resolution, sanitation, and coastal resources management (e.g., mangroves, wetlands and areas of sand mining).
- Chief Fishermen must be recognized by the law to enable them to play effective leadership roles in the co-management structure.
- There was resistance to the creation of fishing boundaries, though some considered they could help reduce illegal fishing by fishers from other communities.
- The 30 m depth or 6 NM Inshore Exclusive Zone (IEZ) provided in the Fisheries Act 625 should be maintained exclusively for artisanal fishermen.
- Proposed roles for district assemblies in co-management of fisheries included: wetland conservation; sanitation; controlling sand mining; supporting the development of landing site and other facilities in communities and passing of by-laws.
- District assemblies should be kept away from premix fuel issues and their role in fisheries management should be clearly articulated in law.

## Selected slides

### Consultations

- Five (5) large Regional meetings. (Western, Central, Greater Accra, Volta Marine, Volta Inland.)
- Three (3) other meetings (Fisheries Alliance, FWG, and Adaptive Fisheries Mgt. Training.)



•Chief Fishermen,	•District Assemblies,
•Experience Fishermen,	•Inland Fishers.
•Women Fishmongers,	•Fisheries Commission,
•Traditional Leaders,	•Security Services
•NGOs, CBOs, Media	•Local Government
•Researchers,	•Fisheries Officers,
•Fisheries Professionals	•Police,
•Ex-Fisheries Officers,	•Navy,
•Air Force	•Inland fishers
•Youth groups	•Etc



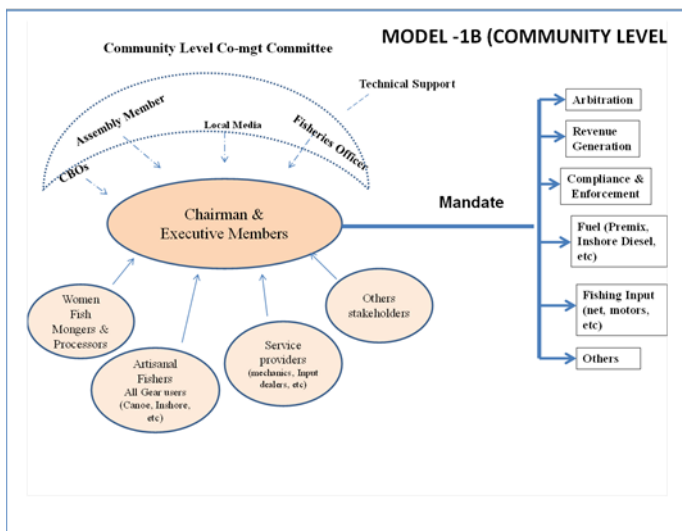

A diverse group of stakeholders participated in the pre-dialogue consultations held by the Fisheries Alliance.

### Boundary and Jurisdictions

- Any access restriction would not work.
- From the shore to 6 nautical miles off shore (IEZ), exclusively reserved for artisanal fishermen only.
- Regional /District administrative land boundaries.
- For example the artisanal fishermen in Shama district could have control of the Shama waters from shore to the edge of the IEZ and this zone should be off-fishing for fishers in other districts.

Stakeholder decisions on boundaries and jurisdictions.



A structure proposed for a local level co-management institution and the proposed role for the committee.

## **Discussion: Regional Stakeholder Consultations**

Those who contributed to the discussion include: Dr. David Mills, Senior Scientist - WorldFish, Mr. Richster Amarfio - Co-convenor of Fisheries Alliance, Nana Jojo Solomon - Executive member of Fisheries Alliance and Chief fisherman, Dr. Brian Crawford - Director CRC-URI, Mr. Daniel Owusu - Executive Secretary, Fisheries Commission, Mr. Donkris Mevuta - Executive Director for Friends of the Nation (FON), Hon. Mike Akyeampong - Chairman for Fisheries Commission, Hon. Kwabena Darko-Mensah - Member of Parliament for Takoradi and member of the Parliamentary Committee on Subsidiary Legislation, Mr. Louis Acolatse – fisherman, and Mrs. Doris Ahadzi - Businesswoman/ fishmonger at Tema New Town.

### **Key Points**

- **Premix**

The issues surrounding premix are contentious. It is a possible revenue raiser for co-management committees – the first CBFMCs failed because of lack of financial support. It was agreed that activities of premix committee at all levels, (national, regional, district or community) should be transparent to benefit fishermen and that the issue of subsidy on premix needed further debate and analysis.

- **Boundaries as a Fisheries Management Tool**

Demarcating administrative boundaries for fisheries co-management could reduce fishers' movements. This could be the case if authority is attached to jurisdiction. For example, in the US, the State of Rhode Island controls the first 3 nautical miles (nm) and then the federal government from 3 nm to 200 nm. However, if somebody from another state wants to fish in Rhode Island waters, they are welcome but must follow the rules set by the state through its fisheries management council. In Ghana, if there were boundaries between districts, fishermen could still fish in the territories of other districts but would have to abide by the rules set by the host district. If the right to restrict fishers from outside the boundary is not given, outsiders must still respect and follow the rules that are in place in the area where they go to fish.

- **Structures for Local Management Committees**

The local co-management committee is the most important part of the whole structure as this is where decisions are made. There was a debate over the role of assemblymen in the fisheries co-management committees: i.e., should they be voting or ex-officio members? The merits of the traditional system of governance at the local level were highlighted and questions were raised on the role of Chief Fishermen in the co-management institution and how they might be elected or appointed. Past experience in the creation of Landing Beach Committees, where Chief Fishermen were given figure head status was discussed. On compliance and enforcement, it was suggested that personnel from the security agencies should be co-opted to the co-management committee without voting powers. It was agreed that having security agencies on board might be extremely important in enforcing rules and regulations.

Challenges faced by local management committees around the Volta Lake particularly where committee members supported illegal fishing activities were also discussed and it was agreed

that chief fishermen and their elders should be tasked to identify suitable persons for the local committees.

- **Representation of Women in Fisheries Management**

Women are not represented in the current composition (11-member body representing fishers, operatives, transport research, academia, and defense) of the FC. It was agreed that it was a matter of high priority for the Ministry (the Fisheries Commission) to ensure that women were represented and they should have voting powers.

- **The Disbursement of Fisheries Development Funds**

It was made evident that funds accruing from the Fisheries Development Fund have been used by government to service debt on a loan from a foreign bank procured to purchase a Vessel Monitoring System (VMS)<sup>4</sup>. Despite this drawback the FC managed to; build a dry dock, build a shed for fish drying; install a dryer near the main fishing harbor, and provide trainings in aquaculture. The government was encouraged to use the fund to support the growth of the sector.

- **Enforcement Issues**

It was agreed that tougher enforcement was needed to prevent the illegalities at sea. Illegalities that were discussed included; use of illegal fishing methods (chemicals and light), use illegal nets, fishing by industrial boats in areas reserved for the canoe fishermen and trans-shipment by trawlers to smaller craft.

The Chairman of the FC recognized the concerns and noted that the Commission had tried to stiffen punishments but the process of implementation has been difficult. He pointed out that recently, Marine Police officers have been supported and trained to undertake enforcement at the landing beaches and at sea. The Commission also translated the Fisheries Laws into 5 local languages (Ewe, Dangbe, Ga, Fante and Nzema) for the education of fisher folks.

## **Fishing Simulation Game**

Workshop participants took part in fishing simulation game to learn about the importance of management for capture fisheries and the danger of open access resource management systems (the *tragedy of the commons*). At the end of the game, participants were able to:

- Identify the challenges of open access and over fishing, with weak governance underlying these problems
- Explain how certain management measures could help move a fishery towards sustainability.

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<sup>4</sup> This became dysfunctional soon after acquisition and did not benefit the Ghanaian fishery in any way





**Participants playing the fishing simulation game**



## *Playing the Game: Rules and Results*

### **Round 1**

This round simulated open access resource management, and began with a spawning period. There were no rules for fishing in this round and participants were asked to fish in any way they wanted and in any place using their fishing gear.

#### *Results:*

Within a short space of time (5-10 minutes) there was nothing on the floor including the critical habitats and the fingerlings; everything was scooped away from the water.

### **Round 2**

During this round, people were not allowed to use illegal fishing gear such as trawling and law enforcement agents were introduced to watch out for illegal gear. However, the agents could only work for short periods of time and had to go for tea breaks (due to shortage of fuel and other resources).

#### *Results*

Although the stocks were hugely depleted when they were told to stop fishing, both groups still had some fish in their waters. Some industrial vessels had been confiscated by the law enforcement agents.

### **Round 3**

During this round, marine protected areas (MPAs) and territorial use rights fisheries (TURFs) were added in addition to law enforcement agents who spent more time doing surveillance. Each TURF team was given time to discuss and agree on management objectives and decide on their own rules to sustain a fishery beyond the TURF and MPA. TURF teams were allowed to fish in their own areas and had to seek permission to fish in other areas.

#### *Results*

When they were told to stop playing teams had plenty of fish in their waters including the fingerlings, and the critical habitats were intact.

### **Lessons Learnt**

After the game participants were asked to reflect and draw out the key lessons learnt. These included:

- Open access fisheries result in overfishing and can lead to collapse of the fisheries
- Introduction of fisheries management, e.g., the law enforcement agents and reducing effort can help
- Marine protected areas, combined with monitoring and surveillance can help in sustaining fisheries
- Giving people the opportunity to decide on management objectives and rules for management is an essential step in ensuring voluntary compliance and sustainability of livelihoods and fish resources some rules may not be enforceable



Workshop participants

## Presentation: Requirements for Legal System Reform



Prof. Martin Tsamenyi highlighted successful co-management initiatives should be backed up by supportive legislative frameworks. He pointed out that in situations where co-management projects are implemented as pilots with no legal support, they normally disappear without trace when the project comes to an end.

### Key messages

- No co-management framework can be successful without a legal framework. Successful co-management initiatives require strong legislative backing and many co-management initiatives that are based on pilot projects eventually fail when funding for the pilot projects end as they find themselves in a policy and legislative vacuum.
- A legislative framework is crucial for co-management. It demonstrates political will and support by the government; provides legal recognition for the participating communities; and sustains and strengthens institutions and linkages established under co-management partnerships.
- Creating legal space for co-management requires: a formal recognition for co-management in policy followed by the development of an implementation framework through legislation (e.g., fisheries legislation or others such as local government legislation). Linkages between fisheries and other relevant legislation are therefore paramount.
- Developing a legal framework for co-management requires the government (through the Ministry) to make a legal proposal to the Attorney General for drafting new legislation.
- The generic legal content for a co-management legislation must include: a well-defined institutional and organisational structure; clear identification of the management units; a well-defined circle of responsibility for all stakeholders (Fisheries Agency, non-fisheries agencies, co-management groups); a clear specification of the participatory rights granted, rule-making and enforcement powers that are granted to the user groups and who within the group can exercise these powers; and the limits to these powers.
- The following highlights the results from a critical analysis of the existing legal framework in Ghana:
  - There is policy recognition for fisheries co-management in Ghana through the National Fisheries and Aquaculture Policy 2008, the draft Fisheries and Aquaculture Sector Development Plan 2010-2015, and the World Bank West

African Regional Fisheries Programme. However, there is no articulation of structure, content or means for legislative implementation.

- Fisheries legislation provides the primary framework for fisheries management and for implementation of fisheries co-management. The most current fisheries legislation in Ghana is the Fisheries Act 2002 (Act 625). There are no explicit provisions in the Fisheries Act mandating the implementation of fisheries co-management.
  - A number of provisions in the Fisheries Act do provide a rudimentary framework for the implementation of some aspects of co-management, however, these are not designed to implement co-management and consequently cannot readily and effectively support an effective co-management framework.
  - A common approach to the implementation of co-management in fisheries, in many parts of the world, is through decentralization of some fisheries management functions to local government units. Through devolution of power, local government institutions provide the framework to support the implementation of co-management, particularly at the community (local) level. A number of references have been made in the Fisheries Act to the role of district assemblies in the management of Ghana's fisheries. However, an analysis of the Local Government Act 1993 to determine the extent to which fisheries management in Ghana has been devolved, shows that it is still very centralized
- Current legislation in Ghana is not adequate to implement fisheries co-management. Legislative revision is therefore required for Ghana to create a conducive environment for this type of management arrangement. This can be done by amending the Fisheries Act or the Legislative Instruments under the Fisheries Act. The Local Government legislation will also need to be amended if stakeholders decide to give the district assemblies a role to play in fisheries co-management.
  - The specific content of the required legislation cannot be determined until an appropriate co-management structure has been defined.

## Selected Slides

### Generic Legal Content for co-management Legislation

- Well-defined institutional and organisational structure
- Clear identification of the Management Units
- Well-defined **CIRCLE OF RESPONSIBILITY**
  - Fisheries Agency
  - Non-fisheries Agencies
  - Co-management groups
- Specification of Participatory Rights Granted
- Rule-making powers that are granted to the user groups
- Rule -enforcement powers, if any, that are granted to the user groups
  - Who within the group can exercise these powers and what are the limits?

The slide provides the legal content for co-management legislation.

### National Fisheries and Aquaculture Policy 2008

- Two of the key national development priorities and general principles under the Policy are recognition that:
  - “decentralised and community-based institutions play a key role in co-management and development”;
  - support for “stakeholder participation at community and industry level as regards to fisheries management and sector development”
- One of the operational objectives of Policy Area No. 1 (Management of fisheries conservation of aquatic resource and protection of their natural environment) is: **‘To improve the effectiveness of stakeholder institutions and mechanisms for co-management’.**

Elements of the National Fisheries and Aquaculture Policy of 2008 that directly supports co-management of fisheries.

### Summary of Conclusions

- Current legislation in Ghana is not adequate to implement fisheries co-management
- Legislative revision is required
  - Amendment to the Fisheries Act 2002 or L.I under the Fisheries Act)
  - Local Government legislation (if it is decided that District Assemblies play a role in fisheries co-management)
- Specific content of required legislation cannot be determined until appropriate co-management structure is clear.

Results of a critical analysis done to check if the existing legislation in Ghana supports the implementation of co-management for fisheries.

## **Discussion: Requirements for Legal System Reform**

Participants in this discussion included : Hon. Yaw Addo Frimpong - MP and Member of the Parliamentary Select Committee on Agriculture; Prof. Martin Tsamenyi - Professor of law, University of Wollongong, Australia; Mr. Kofi Agbogah - Director, Coastal Resources Centre-Ghana; Dr. Brian Crawford - Interim Director for CRC Rhode Island; Mr. Justice Odoi - Environmental Officer, USAID; Mr. Kofi Agama - former Director at the Ministry of Local Government and Rural Development; Dr. Denis Aheto - Head of Department of Fisheries and Aquatic Sciences, University of Cape Coast; and Dr. Cornelius Adablah - Coordinator for West Africa Regional Fisheries Program (WARFP).

### **Key Points**

- **Project sustainability**

Issues related to project sustainability after donor funding were discussed. Good projects have been carried out in the past but once donor funding ended, no traces of these project were found. Measures that could be taken to prevent this from happening include commitment from government to; adopt lessons learned, to create the necessary policy framework and appropriate legal instruments, and to transfer responsibilities to district assemblies to sustain successful programmes.

It was made clear that the USAID was committed to continue supporting the fisheries sector in Ghana – however, the exact interventions were still yet to be determined.

- **Drafting of legislation for co-management**

The role of Hen Mpoano Initiative in raising awareness about fisheries issues and providing inputs into policy and legislation was recognized. There was agreement that it was now the responsibility of government agencies to take up these ideas and make proposals to parliament.

Prof. Martin Tsamenyi explained the need for incentives to be incorporated into the legislative framework as co-management is best realized when the relevant Ministry set up a budget to support co-management. Also, co-management groups can only generate their own funds when the law gives them the authority to do so, for example, allowing them to retain a percentage of licensing fees, or a percentage of fines imposed as a result of infringements. If these avenues are not written into the law, it will not be possible for the co-management groups to generate money to fund their operations. Through legislation, the Ministry can, for example, be required to set aside money to support co-management activities and the Director of Fisheries can be required to report annually to the Minister on the progress of implementation. It is therefore important to clearly define the responsibilities of the various stakeholders and their accountability.

## Session 2: Designing Co-management Frameworks for Diverse Fisheries Systems

### Breakout Groups

The objective of this session was to help participants to think through the structure of a co-management arrangement. Participants were divided into four groups focusing on:

- *Sardinella* fishery;
- nearshore demersal fish stocks;
- freshwater fishery (Volta Lake);
- estuarine/ lagoon areas

Participants discussed what co-management for each of the four sectors/ areas would look like. Lessons learned from past experiences with co-management (e.g., the Fishery Sub-sector Capacity Development Project; the Sustainable Livelihood Fisheries Project; the Ecosystem Approach to Fisheries; implemented by the Fisheries Commission) were taken into account.



Workshop Participants during the breakout group session



## **Presentation by the *Sardinella* Fishery Group**

### **Group members:**

- Dr. Brian Crawford (Facilitator)
- Mr. Elvis Addae (Facilitator)
- Mr. Cephas Asare (Rapporteur)
- Mrs Bema Adenu-Mensah
- Nene Sorsey Quarshie
- Ms. Benedicta Dorlagbenu
- Mr. Emmanuel N. Botchway
- Ms. Doris Ahadzi
- Nana Koba Amankwah II
- Mr. Louis Acorlatse
- Mr. Kyei Kwadwo Yamoah

The *Sardinella* group was asked to develop a co-management structure for small pelagics, especially *Sardinella* - the mainstay of Ghana's artisanal fishing industry. The group was made up of fishmongers, chief fisherman, fishermen and business women. The women in this group insisted on having female representation at all levels of the co-management structure.

There was general agreement that co-management laws developed at the national level should be devoid of politics and there were strong opinions that foreign vessels should be included in co-management as they also fish the pelagic stocks. Co-management law to be developed should be widely communicated to fisher folks for their education and understanding of what co-management entails and also for compliance. It was agreed that a co-management structure should involve all tiers of administration, from national, regional, district and community. Roles were later assigned to each level of the co-management arrangement as presented in Table 1 below.

### **Co-management Financing**

The group suggested two main sources of finance: internal (fishers themselves); and external (Fisheries Commission). The internal source of funding was to show commitment by fishers themselves to the principle of co-management. These funds could come from existing revenue generation systems in the community including: contributions from fishermen (in kind); fees from different landing sites or communities (visiting canoes), a percentage of the premix proceeds to communities, and (possibly) levies on nets. For external sources, it was agreed that the Fisheries Commission could be the main source. The Fisheries Commission could fund co-management activities using funds generated from vessel licensing, canoe registration (if this finally becomes operational) and the Fisheries Development Fund.

**Table 1. Level of co-management structure and roles to be performed**

<b>Level</b>	<b>Roles in the co-management process</b>
<b>National</b>	<ul style="list-style-type: none"> <li>• Ensure that there is uniformity in fisheries laws formulated and ensure every region abides by these laws</li> <li>• Formulation of fisheries law</li> <li>• Implementation of fisheries law</li> <li>• Provide input into the laws</li> <li>• Conflict resolution</li> </ul>
<b>Regional</b>	<ul style="list-style-type: none"> <li>• The region would serve as a link between the district and the national level</li> <li>• Coordinate district level activities</li> <li>• Although it initially appeared that a regional level was unnecessary, benefits could be seen. Without this level every district would have direct access to the national level and issues would not be synchronized from districts. The regional level would serve as a place where all issues coming from the various districts could be looked at and agreed upon, and later channeled to the national level for action. This would greatly facilitate work at the national level.</li> </ul>
<b>District</b>	<ul style="list-style-type: none"> <li>• Finance community co-management activities from the district common fund</li> <li>• Act as a connection between co-management groups at the community level and the central government (via regional level)</li> <li>• Support enforcement of laws</li> <li>• Ensure that support from central government gets to the community</li> </ul>
<b>Community</b>	<ul style="list-style-type: none"> <li>• Form a task force to enforce fisheries laws at the community level</li> <li>• Address issues of sanitation</li> <li>• Manage fisheries related conflicts</li> <li>• Perform other roles related to fisheries as decided by the community</li> </ul>

### **Membership and Leadership of Co-management Committees**

There was considerable discussion on the selection of suitable members for the co-management committee.

- **Chief Fisherman.** His role would be to lead the co-management group. This is a historical institution that is well recognized in fishing communities. In a case where the chief fisherman is not a fisherman but has assumed the role by inheritance he should work with the council of elders in the community. Some members of the group believed that the exclusion of the chief fisherman in the co-management committee would lead to its failure. This is believed to be the main reason why some CBFMCs were unsuccessful (e.g. Elmina).
- **Assemblymen and Unit Committees.** It was agreed that they should be excluded from the co-management committee as their inclusion might bring a political bias. Some group members strongly expressed the need to depoliticize the co-management group as much as possible.
- **Traditional Authorities (Chiefs).** The chief should be part of the co-management group. It was agreed, however, that the chief could select someone to represent him on the committee. The chief would be the patron of the committee and the term of office for the chief's representative would be determined by the committee.
- **Enforcement Task Force.** The task force would not be members of the co-management committee but would be appointed by the committee to enforce laws in the community. Members of the task force would be required to report back to the committee.
- **District Fisheries Officer.** He or she was selected to be part of the committee and would be the community-based representative of the Fisheries Commission.



- **Fishmongers.** Women involved in the fish business (e.g., as processors, smokers, etc.) were selected to be part of the co-management committee.

It was agreed that other members of the co-management group would come from the various gear operators, for example, watsa, in-shore, drag net, set net, etc. It was also agreed that canoe/boat owners and service providers should be part of the committee. Table 2 shows the recommended number of representatives for each of the selected stakeholders.

**Table 2. Number of representatives from each group**

Stakeholder	Number
Chief Fisherman	The chief fisherman should be nominated rather than elected
Watsa	1
In-shore	1
Drag net	1
Set net	1
Fishmongers	1
Fisheries Officer	1
Canoe/boat owners	4
Traditional Authority	1
Service providers	1
<b>Total</b>	<b>13</b>

It was agreed that there should be flexibility in the makeup of the committee to reflect conditions prevailing in the different communities. A one-size-fits-all membership was strongly discouraged. For example, in a community that practices beach seining only, representatives for gear types could be selected based on fishing companies. If there were five fishing companies then each company would be represented plus the chief fisherman. Where communities are small, the group cautioned against the idea of merging smaller communities, recommending that this should only be done in cases where distance was not an issue. It was also recommended that the chief fisherman be the chair of the committee, and that all other members of the committee should be either elected or nominated

### Membership at various levels

The group also agreed on several other aspects of co-management committees notably: the number of members at each organizational level (Table 3); that women should make up one-third of the total at each level; and that the term of office should be three years with each representative serving a maximum of two terms.

**Table 3. Number of co-management committee members at different levels**

Level	Number of committee members
National	2 people from the regional level
Regional	5 people from the district level
District	11 people from the community level
Community	Maximum of 13 based on the size and the gear type used in the community

### Proposed structure for co-management

The group proposed a structure for co-management that links the different levels (national, regional, district and community) with a two-way flow of information.

## Discussion: *Sardinella* Group

Stakeholders who contributed to this discussion include: Mr. Richster Amarfio, Mrs. Adenu-Mensah, Mr. Elvis Addae, Dr. Brian Crawford, Mrs. Adenu-Mensah, Dr. Brian Crawford, and Mr. Daniel Owusu.

Some of the roles of the committees were clarified in the discussion. The national co-management committee will ensure that inputs from subsidiary committees are incorporated into policy formation by the Fisheries Commission, hence guaranteeing input from stakeholders. It was recognized that this framework was only created for the *Sardinella* fishery, and that there would need to be some consolidation with committees set up for other fisheries.

## Presentation by the Nearshore Demersal Group

### Group Members

- David Mills, WorldFish (Facilitator)
- Patricia Aba Mensah, Coastal Resource Centre (Rapporteur)
- Paul Bannerman, Deputy Director, Fisheries Commission
- George Hutchful, Coastal Resources Centre
- Nana K. Konduah, Ghana National Canoe Fishermen's Council/Chief Fisherman
- Raymond Ashiaquaye, Line & Hook Representative, Sekondi
- Regina Djokoto, Attorney General's Department

The nearshore demersal fishery is defined by a boundary up to 6 nautical miles from the shoreline. The group identified the major resources in the demersal fishery and the gear types used in Ghana. This was done to help recognize the 'circle of responsibility' and determine which stakeholder would be most suitable for leading any proposed co-management activity.

**Table 4. Gear types and major resources in the coastal regions of Ghana**

Region	Gear Type	Major Resources
Western	Hook and line Bottom set net Lobster set net	Grouper, Lobster, Cassava Fish
Central	Bottom set net Lobster set net	Lobster Moonfish Threadfin Burrito
Greater Accra	Line and hook	Sparid (red fish) Grouper
Volta	Bottom set net	Anchovy Moonfish Threadfin

To define the 'circle of responsibilities', the group identified the activities that needed to be carried out and which actor(s) should participate. The outcome of the discussion is presented in Table 5.

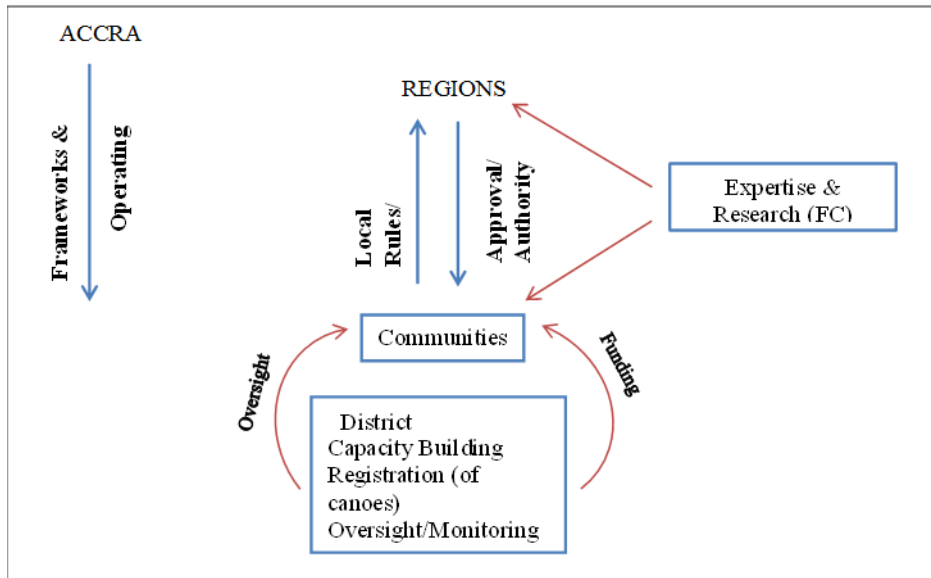
**Table 5. Who should do what in the co-management process?**

<b>What needs to be done?</b>	<b>Actors</b>
Research <ul style="list-style-type: none"> <li>• Stock size</li> <li>• Development</li> <li>• Environment</li> </ul>	<ul style="list-style-type: none"> <li>• Fisheries Commission (FC) Research Division</li> <li>• Universities</li> <li>• International Agencies</li> <li>• NGOs</li> </ul>
Rule Setting <ul style="list-style-type: none"> <li>• Who can fish?</li> <li>• Where to fish?</li> <li>• How to fish?</li> <li>• How much to fish?</li> </ul>	<ul style="list-style-type: none"> <li>• Communities/Stakeholders</li> <li>• Fisheries Commission Management Division</li> <li>• District Assemblies</li> </ul>
Enforcement	<ul style="list-style-type: none"> <li>• Communities/Stakeholders</li> <li>• Marine Police</li> <li>• MSC – Fisheries Commission</li> <li>• District Assemblies</li> </ul>
Data Collection	<ul style="list-style-type: none"> <li>• Research Division (FC)</li> <li>• Universities</li> <li>• International Agencies</li> <li>• NGOs</li> <li>• Communities</li> </ul>
Post-harvest Issues	<ul style="list-style-type: none"> <li>• Management Division (FC)</li> <li>• Women’s Groups</li> </ul>
Livelihood Strategies	<ul style="list-style-type: none"> <li>• Communities</li> <li>• NGOs</li> <li>• FC</li> </ul>

**Co-management Structure**

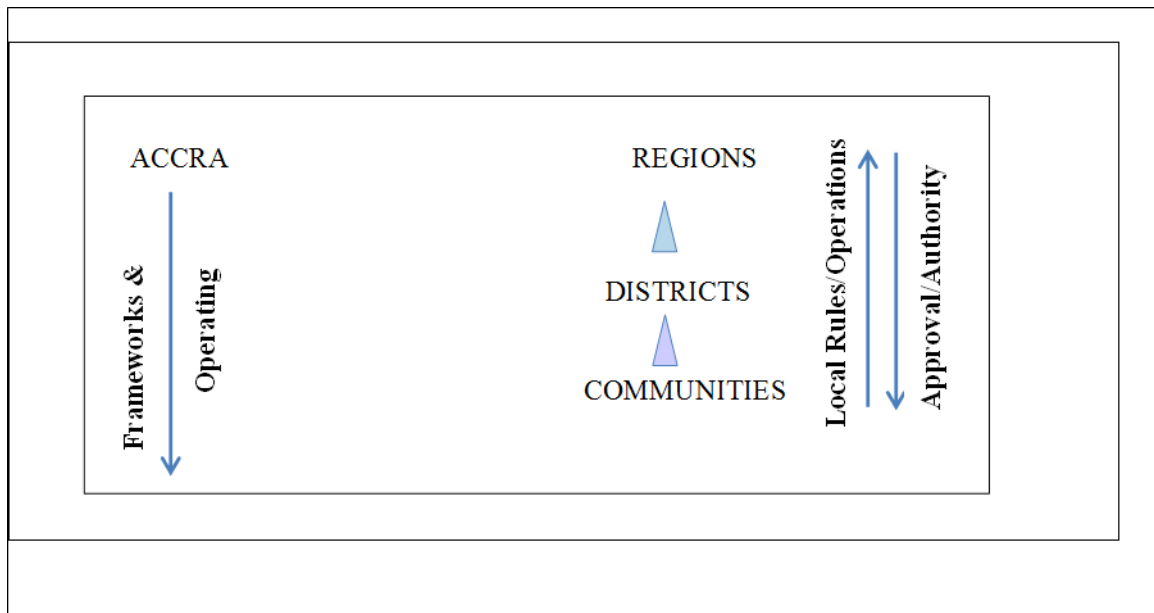
The group discussed the need to shift from the existing top-down approach to a blend of both top-down and bottom-up management systems. The group considered a co-management framework composed of two levels - regional and community levels. Representation of all relevant stakeholders would be made in the regional group which would disseminate information to the community to ensure an effective two-way traffic short on bureaucracy.

For this system to work, the group agreed that there was the need to devolve authority from the national to the regional level to reduce bureaucracy and enable the regional body to function as an autonomous decision-making body. As described in Figures 1 and 2, a blend of top-down and bottom-up approaches would ensure that local rules were made with community approval but with authority from the regional level. The Fisheries Commission was identified as the lead actor and facilitator.



**Figure 1. Devolution of authority**

There were suggestions to establish a 3-tier structure instead of the 2-tier shown in Figure 2. The framework below represents a 3-tier structure: Regional – District – Community levels.



**Figure 2. Three tier co-management structure**

The group identified the following as questions/issues that still need to be addressed:

- A 3-tier structure might not be as responsive/ adaptive as a 2-tier structure and may not allow for enough flexibility; the end result would be more bureaucracy; a major issue that has been recognized as making the current system inefficient.
- Are funding agencies (government, NGOs, etc.) ready and able to fund many different committees, as presented in the 3-tier framework? Even if the answer is 'yes', how sustainable would the funding be?

The group finally settled on the 2-tier structure, arguing that sub-committees at the district level would not be abandoned and representation of the district-level actors could be included in the regional body.

**Representation:**

It was decided that instead of picking representatives from each community, it would be ideal to select across livelihoods in order to have fair representation and equitable participation of all relevant stakeholders. The possibility of choosing the Ghana National Canoe Fishermen Council (GNCFC) as the sole representative was considered as the group is made up of fishermen, fishmongers, chief fishermen and canoe owners. However, this idea was discarded as some gear types are not represented on the Council. The group agreed that it was prudent to take into consideration livelihood complexities and differences and not, for example, consider women’s groups as a single issue.

A 13-member regional level co-management committee was proposed with a structure that reflects livelihoods and gear types, as shown in Box 1:

**Box 1. Co-management committee membership**

<p><b>Gear Type</b> Hook and Line Beach Seine Bottom Set Net / Lobster Set Net</p> <p><b>Fisheries Commission</b> Research Monitoring, Control, Surveillance Marine Management Division</p> <p><b>Other Members</b> Ghana National Canoe Fishermen Council (GNCFC) Processors Marketers Fishmongers Marine Police Attorney General’s Department Regional Economic Planning Office</p>
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In order to have fair district-level representation, it was agreed that coastal district assemblies be involved. To curb committee numbers, the Regional Economic Planning offices were proposed to represent the coordinating councils as well as the district assemblies. District assemblies already report to the Economic Planning offices at the regional level.

**Critical Roles:**

The roles identified for regional fisheries co-management committees included:

- Building capacity of national level representative committees on fisheries issues. The Economic Planning offices and the Attorney General’s Department were identified as having little knowledge of fisheries issues.
- Development of a constitution
- Ensuring appropriate representation
- Sourcing financial support

- Creating groups when absent

**Financing:**

The group identified the following as potential donors:

- Fisheries Commission: the Fisheries Development Fund
- Internally generated funds: through licensing/registration of canoes, market tolls from district assemblies, community levies, fees
- Livelihood groups; each would be expected to find funds for its own representative(s)
- Donors/ development partners
- Coastal Foundation (a Western Region initiated fund spearheaded by DFID)
- Co-management funds from the Fisheries Commission

Several questions were left open for discussion, for example:

- Who should chair the regional level committee, should it be a rotating chair?
- Where should the headquarters of the committee be?
- Who should select or elect people from the livelihood groups, e.g., the processors, fishmongers and other fish vendors in order to ensure good representation?

**Discussion: Nearshore Demersal Group**

Dr. Tendayi Mutimukuru-Maravanyika, Dr. David Mills, Mr. Kyei Kwadwo Yamoah, Mr. George Hutchful, Dr. Brian Crawford, and Mr. Richster Amarfio contributed to the discussion.

**Key points**

- The linkages between the regional and national levels were clarified. The link to the top would be process oriented; the decision-making capacity being delegated from national level to regional level. In terms of connection to community, this would come from building capacity in the livelihood groups. Membership selection or appointment was presumed to be democratic. The leader of the regional level committee and the term of tenure were not discussed.
- The co-management structure may not need to include committees for every community in the management area, as long as there is representation of all types of stakeholders. One of the roles of the committee would be to consult down to the community level before making decisions, but this does not require a structure at that level.

## Presentation on Freshwater Lake Fisheries

### Group Members

- Kofi Agbogah (Facilitator)
- Linda Dsane (Rapporteur)
- Noble Wadza
- Papa Yaw Attobra
- COP David Asante Apeatu
- Kofi Agama
- Hon. Yaw Frimpong
- Fisher folks from the Volta Lake

The group discussion focused on the Volta Lake which is characterized by a multi-species fishery. In this area, different ethnic groups target different species. The complex nature of the area does not lend itself to a single management system, hence custom management would be required. The management system would need to take into account ethnicity, gender, culture, gear types and other factors.

The group proposed a four levels structure - national, regional, district and community - for co-management of freshwater lakes.

At the local level, the structure should be based on the traditional system and led by the chief fisherman or community headman. The co-management committee should consist of chief fisherman or community Headman plus representatives from local interest groups (based on ethnicity, gender, culture, gear type, etc.). Members of the committee should have 4-year tenure in office.

Roles for stakeholders at different levels:

- **National level**
  - Education and enforcement of laws
- **Regional & district level**
  - Enforcement of laws (by-laws if any, at the district level)
  - Detection of fish caught with chemicals (field tests)
- **Community level**
  - Strengthening communication between groups

Funding sources:

- In-kind contributions by fishermen
- Fisheries Development Fund
- District market tolls
- Revenue from licensing of canoes/boats

The group recommended that the Marine Police Unit be involved in the enforcement process, which might require changes to the fisheries law. The critical role of the Fisheries Commission was recognized both for support to management planning and the provision of fisheries extension services.

## **Discussion: Freshwater Lake Fisheries**

Dr. Tendayi Mutimukuru-Maravanyika, Mr. Nobel, Mr. Richster Armafiio, Mr. Papa Yaw Attobrah, Mr. Daniel Owusu, and Dr. David Mills contributed during this discussion.

### **Key Points**

- There was divided opinion as to whether the Chief Fisherman should hold a leadership position for life or if the post should be rotated after four years. One advantage of long tenure is the retention of institutional memory.
- The need for district assemblies to be more cognizant of the importance of fisheries was raised. For example, district assemblies have been known to take levies from illegal fishing gear (such as bamboo). This occurs because the district officers are often not fully aware of what gear is banned or why. There is a need for strong collaboration between the co-management committees and the district assemblies.
- The importance of dialogue and communication between co-management groups in different districts as well as between district assemblies and co-management groups was highlighted. A budget would be required for these meetings to take place.
- An incentive system could be put in place to reward co-management groups that meet certain targets. For example, after an assessment based on a certain set of indicators (e.g., co-management group established, governance structures created, bylaws prepared, number of meetings held), groups that scored well could access more funds.

## **Presentation on Estuary/Lagoon Fisheries**

### **Group Members**

- Tendayi Mutimukuru-Maravanyika (Facilitator)
- Godfred Ameyaw Asiedu (Rapporteur)
- Alex Sabah
- Matilda Quist
- Denis Aheto
- Emmanuel Eshun
- Emilia Abaka-Edu
- Theophilus Boachie-Yiadom
- Hon Kwabena Okyere Darko-Mensah

**The Management Unit and level of management:** Local/community level

### **Management objectives:**

- Sustainability of fish stocks and community livelihoods (employment and poverty reduction)
- To conserve the environment and critical habitats for fish, nursery and spawning grounds for marine fish and habitat for birds of international importance
- Conserve mangroves which serve as carbon sinks, stabilize shorelines, and provide food for fish. When sustainably managed, they also provide firewood for fishing communities.



**Principles for the management unit:**

- Should be sustainable
- Must recognize traditional 'chief fisherman' structure
- Need for a link between the committee and district level
- To include government - need for an advisory group to offer technical input to management

**Members of the advisory committee:**

- Fisheries Commission officer
- Forestry Commission officer
- Marine police
- Assembly man
- Chair of the sub-committee responsible for fisheries

**Members of the committee:**

- Chief fisherman and his council (7)
- Konkohene<sup>5</sup>, her secretary and one additional woman (3)
- Gear owners' representative (1)
- Co-opted member from the community (1)

There were concerns that the powers of the chief fishermen were reducing - some fishermen are ineffective and have little interest in the management of fish. However, it was agreed that there was need to avoid disrupting fish management systems that have worked for centuries. In cases where the chief fisherman is weak, there should be a procedure for removing him from office.

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<sup>5</sup> 'Konkohene' or 'leader of the fish mummies, a traditional role dating back to the early 20<sup>th</sup> century', sets or influences the prices at which fish are sold from the boats each day.

**Table 6. Activities to achieve objectives**

Objective	Activities to achieve the objectives	Who should do this?
<ul style="list-style-type: none"> <li>Sustainability of fish stocks and community livelihoods (employment and poverty reduction)</li> </ul>	<ul style="list-style-type: none"> <li>Awareness raising for various stakeholders on the biology and ecology of fish, status of fisheries and reasons for the declining stocks</li> <li>Reducing effort               <ul style="list-style-type: none"> <li>Reduce/control the number of canoes</li> <li>Mesh size and length of net</li> <li>Restriction on the number of fishing days or use of closed seasons</li> <li>Introduce quota system</li> <li>Create diversified livelihoods for fisher folks</li> <li>Encourage fisher folks to send their children to school so that they don't become fishermen when they grow up</li> </ul> </li> <li>Stop use of destructive fishing gear</li> <li>Stop illegal mining activities</li> </ul>	<ul style="list-style-type: none"> <li>To be decided</li> </ul>
<ul style="list-style-type: none"> <li>Conserve environments especially critical habitats for fish, mangroves and other wildlife</li> </ul>	<ul style="list-style-type: none"> <li>Education and awareness raising on importance of estuaries and lagoons</li> <li>Managed access</li> <li>Stop the dumping of refuse (solid and liquid waste) in lagoons</li> <li>Enact by-laws to conserve habitats</li> <li>Proper special planning and rezoning</li> <li>Reduce poverty</li> </ul>	<ul style="list-style-type: none"> <li>To be decided</li> </ul>
<ul style="list-style-type: none"> <li>Sustainable use of mangroves</li> </ul>	<ul style="list-style-type: none"> <li>Replanting of degraded areas</li>   <li>Encourage alternative forms of energy</li> </ul>	<ul style="list-style-type: none"> <li>Community – replanting</li> <li>CSO – offer technical support</li> <li>District assembly – ensure that a proportion of the income collected by chief fishermen is used to finance mangrove planting</li>   <li>District assemblies – facilitate access to LPG and gas ovens for processing fish</li> <li>CSOs – facilitate access to solar technologies</li> <li>Research institutes: more research into other forms of energy</li> </ul>

### Monitoring and Development Task Force

Group members agreed that there was need for a task force to monitor compliance and implementation of rules. The committee will select the task force and be responsible for deciding what incentives will be provided to it. The task force must be gender balanced and should consist of 3-5 people depending on the size of the community.

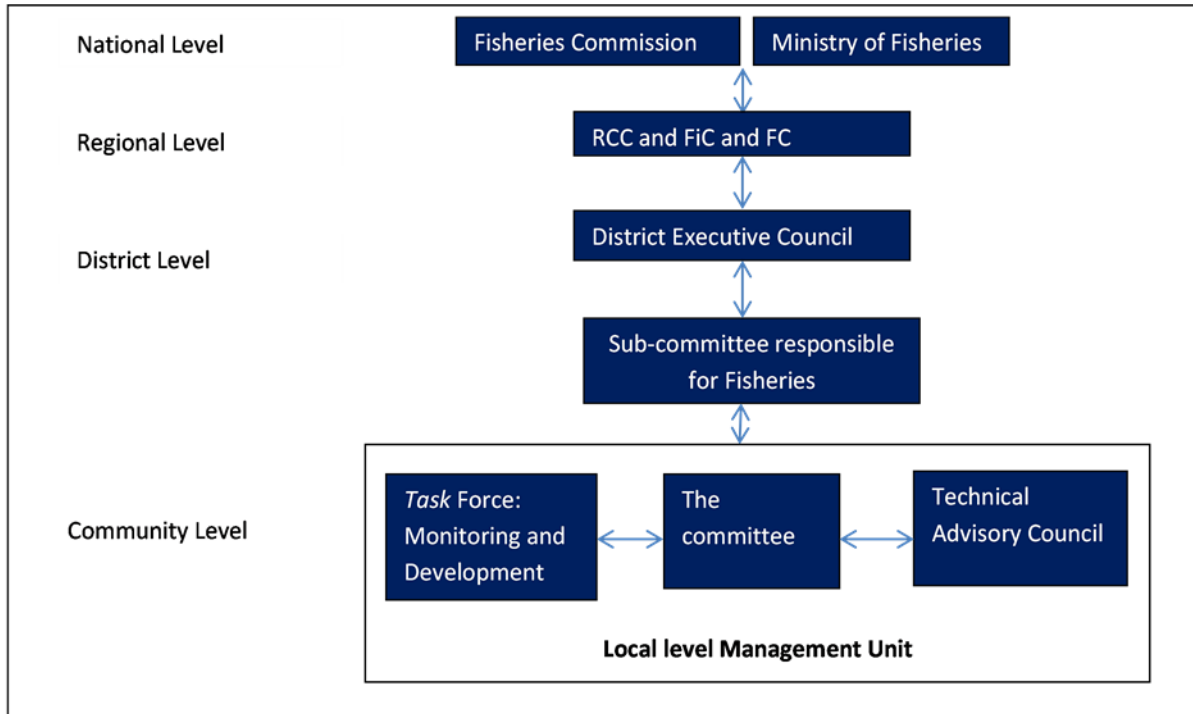


Figure 3. Co-management structure

### Mechanisms for selecting the management unit

Selection will be democratic and run by the organizations with representation on the committee. The term of office for the chief fisherman and the representative from the gear users will be determined by their organizations. Members co-opted from the community will serve for a term of two years and can be elected for a second term after which the same person cannot be elected for the following four year period.

### Financing the management unit

The group identified a number of sources for financing the committee. The committee would need to prepare quarterly accounts to be audited by the district assembly.

Sources:

- A percentage of the catch given to chief fishermen could be used to finance the management unit
- A proportion of the Fisheries Development Fund
- Fines and levies
- Premix dividends

- Forestry Commission funds to support mangrove restoration and wildlife
- Proportion of money collected by the district assembly from various fish markets

**Disbursements:**

- Sitting allowance for the members; members to meet once every month
- Mangrove restoration
- Education, awareness, sensitization
- Community development (e.g., supporting education, water, street lights, market sheds at the landing sites)
- Support the formation and running of a task force
- Money may be invested in bank shares or used for buying and selling fishing inputs
- It was agreed that the money should not be used for welfare - e.g. funerals

**Proposed policy changes:**

- Need for links between the Fisheries Act and the Forestry Act (mangroves/wildlife and endangered species)
- Need the Fisheries Law to decentralize fisheries management
- Need clear definition of the role of the district in fisheries management
- The role of the Fisheries Commission in providing extension services for fishing communities to be clearly mandated
- Fisheries Commission and the Forestry Commission to facilitate co-management planning

**Discussion: Estuary/Lagoon Fisheries**

Nana Jojo Solomon, Hon. Kwabena Darko-Mansah, Dr. Brian Crawford, Dr. Tendayi Mutimukuru-Maravanyika, Mr. Papa Yaw Attobrah and Mr. Richster Amarfio participated in the discussion.

**Key points**

- The Forestry Commission and the Fisheries Commission need to collaborate in their management of mangroves.
- Revenues would be collected by the co-management committee;
- The district assembly should be involved in the formation of by-laws that would empower the co-management committee to do their work.
- In some instances there are several fishing communities working in the same estuary or lagoon, each with its own chief fisherman. This could lead to difficulties in committee representation. It might be necessary for all chief fishermen to be on the committee. Leadership would then have to be decided from within the committee. Alternatively, each community will have its separate committee with coordination among them to ensure uniformity in their management decisions. To make a fisheries management plan for the

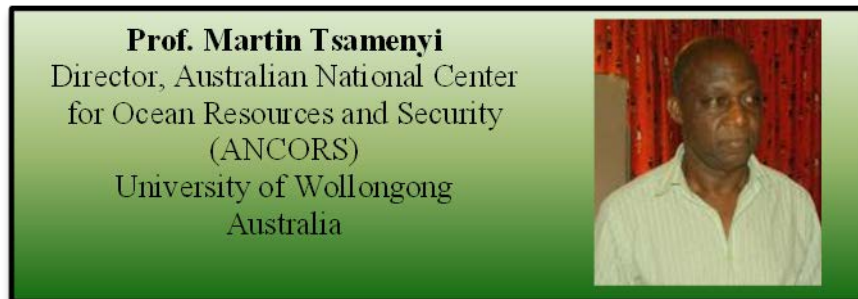
entire estuary or lagoon might require an oversight body to collate data, look at commonalities and address specific differences.

### **General Discussion after Presentations by all Groups**

From the four presentations and subsequent discussions, it was clear that there was no single structure for co-management. The objective of the dialogue was not to finalize details for co-management of each fishery, but to develop principles that could be used to develop a co-management framework. These principles include: flexibility in design; the need for decentralization of authority from the national level to lower levels; role of traditional leadership; co-operation and communication between the various levels of management; support from the Fisheries Commission; and identification of funding opportunities. District assemblies will require authority to participate in fisheries management. Finally, it was suggested that delegation of power by the Minister of Fisheries should be to the Regional Directorate through the Regional Minister.

## Session 3: Legal Mechanisms

### Presentation: Legal Mechanisms



Prof. Martin Tsamenyi presented an analysis of the co-management structures proposed by the four groups. He noted the need to distinguish between legal and management roles. He observed that the discussions had focused on specific roles for setting up co-management committees and membership of the committee. Although these were important details, they could come at a much later stage in the process.

He identified cross-cutting principles which should be in the law and highlighted what could be done to implement the proposed co-management structures under the existing legal framework and even after the revision of the existing laws.

#### Key messages

- Cross cutting principles from the group presentations:
  - Scale of management group
  - Guidelines on membership (need for representation of user groups, gender, and traditional authority where relevant, but no need to be prescriptive or specific at this stage)
  - Roles of the co-management unit in broad terms
  - Funding sources for co-management committees (e.g., an obligation on the Fisheries Commission, from consolidated revenue, and a percentage of license fees for canoe registration for a particular area)
  - Responsibilities of other stakeholders - what the law expects them to do
  - Provision for the ability to co-opt other agencies or other interest groups, support providers of technical advice and scientific advice - these must not be prescriptive.
  
- Discussions highlighted a desirable framework for fisheries co-management in Ghana. This framework is based on three scales of management as follows:
  - National Scale Co-management Framework covering pelagic fisheries and requiring the establishment of a National Pelagics Fisheries Management

Committee (with the possibility of creating sub-committees for small pelagics and large pelagics). National management framework and rules to be developed by the Ministry of Fisheries and Aquaculture Development and the Fisheries Commission in collaboration with the national committee(s). Enforcement of the rules will also be at the national level.

- Regional Scale Co-management Framework: Committees will be established for marine demersal fish for each of the four coastal regions in Ghana. Implementation of this will require the designation by the Fisheries Commission of marine demersal co-management units and committees in each region. Management planning and approval will be devolved to representative(s) of the Fisheries Commission. Each regional plan will have its own set of rules. However, regional rules cannot contravene national laws or regulations such as the ban on use of chemicals and fine mesh nets. Enforcement of the regional rules would be through the Fisheries Commission and marine police within each region.
- Local scale co-management will cover lakes, lagoon and estuarine fisheries. Key aspects of the local scale management frameworks will include:
  - The establishment of Local Fisheries Management Areas and corresponding co-management units and management plans by Regional Directors of the Fisheries Commission at the request of groups.
  - For overlapping boundaries, the Fisheries Commission will be mandated to designate boundaries and designate management areas under which co-management committees will be charged with developing plans.
  - Local fisheries co-management plans will be developed by each group, with support from the Regional Director of the Fisheries Commission and approved by Regional Director following a technical review. Such plans can be adopted by district councils by incorporating them into their medium term development plans and incorporating a spatial component to the fisheries management plans that can be incorporated as a “local plan” as part of the district spatial planning procedures, if these exist.
  - Members of a particular group cannot exclude non-members from fishing in their management areas. However, they can set non-discriminatory conditions. They can also regulate access by their members and outsiders, as well as charge fees for access.
  - Rule-making and rule enforcement at the local management scale will take place through local by-laws made by each group and enforced either as district assembly by-laws or as Fisheries Commission by-laws.
  - To avoid the long process of approval by district assemblies and the Fisheries Commission, once a local co-management committee is established and its plans are approved, that committee would be responsible for reviewing the plan annually and making changes to the rules or management measures as necessary to manage resources sustainably. The changes will be formally recognized in law through Gazette notices or through public notices in a local newspaper.

- **What is Legally Possible Now?** The Fisheries Act 2002 (Act 625) can support a limited form of co-management, as discussed below:
  - Establishment of Fisheries Advisory Groups/Committees. The provisions of the Fisheries Act 2002 can be utilized to establish advisory groups to support fisheries management on a limited scale without the need to amend the legislation. Under section 7 of the Fisheries Act, the Fisheries Commission may co-opt any person as an adviser at its meetings. Section 9 of the Fisheries Act allows the Commission to appoint such committees, comprising members of the Commission and non-members of the Commission, as it deems necessary for the discharge of its functions. Based on the two provisions above, three possible advisory groups/committees that may be established are: National Pelagics Advisory Committee; Regional Advisory Committee for Marine Demersals; and Local Advisory Committees in designated local areas. The limitation of using the current provisions of the Fisheries Act to establish advisory groups/committees is that such groups/committees will have no decision-making powers.
  - Implement co-management through the development of fishery plans. The Fisheries Act 2002 (sections 42-44) requires the development of fishery plans which must deal with specific issues and be based on consultation. Co-management frameworks may be used to support the development and implementation of such fishery plans. Each fishery plan could have an advisory group, representing the key stakeholders in the fishery. There are two inherent shortcomings in utilizing the fishery plan process to establish co-management groups.
    - The advisory groups established for the purpose of implementing the fishery plans will have to be committees of the Fisheries Commission and will have no decision-making powers. If the intention is to have decision-making groups as opposed to advisory groups, then new legislation will be required.
    - More significantly, section 44(3) of the Fisheries Act requires that: “Each fishery plan or review of such a plan shall be submitted to the Minister who shall submit it to the Cabinet for approval; and the plan shall come into force at a time specified in the approval”. This requirement for Cabinet approval makes fishery plans top-down management and inconsistent with co-management principles. In practice, this will mean that every local level fishery plan will require Cabinet approval.
- **Longer-term Legislative Changes Required**

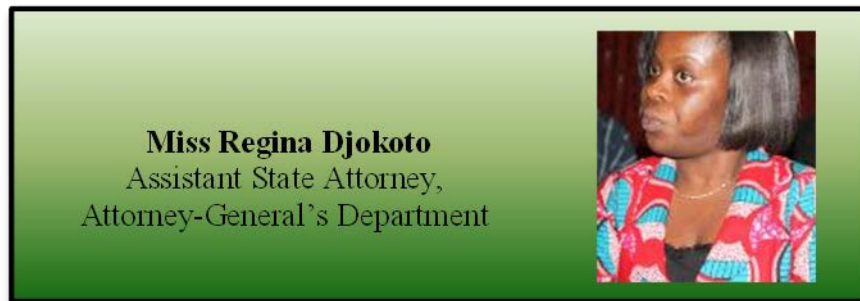
In the long term, legislative change can be undertaken either through (a) amendment to the Fisheries Act 2002 by adding a new part on co-management or (b) accompanied by an appropriate Legislative Instrument on co-management under the Fisheries Act 2002. The content of each of these legislative options are explained below.

  - Amendments to the Fisheries Act 2002: Appropriate amendments to the Fisheries Act 2002 or the enactment of a new act will be required to specify co-management groups and the broad principles of co-management. Amendment to the Fisheries Act 2002 is necessary to establish co-management groups at different levels:



- At the national level, amendment to the Fisheries Act will mandate the Minister to establish a National Pelagic Management Committee with specific management powers.
  - At the regional level, amendment to the Fisheries Act will mandate the regional representative(s) of the Fisheries Commission to establish fisheries management units and committees within the districts, with specific management, rule-making and rule-enforcement powers.
  - At the local level, amendments to the Fisheries Act will make provision for voluntary (opt-in) requests by local groups to establish local co-management committees for lakes/estuaries/lagoons.
- Amendment to the Fisheries Act will set out basic national principles which will guide the establishment, composition and functioning of each scale of co-management, leaving out specific details for each group to work out during the establishment of the co-management units. The core principles will cover issues such as:
- Membership, tenure of office of members, chairperson (there is need for the membership to be representative in terms of user groups and gender, traditional authority), *but not to be prescriptive*.
  - Decision-making powers granted to the co-management units.
  - Co-option of other agencies and non-governmental organizations and institutions as appropriate for technical support.
  - Roles and responsibilities of the Fisheries Commission, such as the provision of extension services for the purpose of achieving management objectives, assistance with coordination with other agencies, and a technical review and endorsement of local management plans prior to approval.
  - Sources of sustainable funding.
- A specific Legislative Instrument dealing with fisheries co-management will be required, on the basis of section 139 of the Fisheries Act 2002, to give practical effect to the broad co-management units at each of the three scales of management.

## Presentation: Enactment Process



The presentation described the process that needs to be followed for an Act of Parliament to be created.

### Process to Complete an Act of Parliament

A request is made for policy approval from the Cabinet for the proposed legislation. This is done by the Ministry concerned (e.g., Ministry of Fisheries and Aquaculture Development). The request must be in the form of a Cabinet Memorandum. This must be presented by the sponsoring Minister to Cabinet under cover of a letter to the Secretary to the Cabinet, signed by the Minister concerned. An outline of the contents of the Cabinet Memorandum is given below:

- Purpose of the memorandum
- Background for the legislation
- Issues for consideration by Cabinet
- Inter-departmental or Ministerial consultations that have been held with bodies or agencies of relevance
- Financial considerations supported by a statement that the Ministry of Finance has been consulted
- Employment considerations, if any
- Whether or not there is existing legislation and whether amendment or new legislation is required, and
- Recommended action to be taken by Cabinet.

After consideration of the memorandum, Cabinet approval is communicated in a letter signed by the Secretary to the Cabinet to the sponsoring Minister and copied to the Attorney-General and Minister for Justice. The letter gives direction for the preparation of the legislation concerned. It is useful if a copy of the Cabinet Memorandum is attached to the Cabinet approval to the Attorney-General office because the explanatory memorandum that goes with each Bill in accordance with Article 106 of the Constitution is prepared by the legislative drafters on the basis of the Cabinet Memorandum for policy approval. The Cabinet approval is significant as it authorises the sponsoring Minister through the schedule officer to issue drafting instructions to the Legislative Drafting Division of the Attorney-

General's Department. The drafting instructions should follow the contents of the Cabinet Memorandum and should include:

- The objectives intended to be achieved by the Bill
- Reports on the matter including any relevant legal opinions
- References to existing legislation, indication of any consequential amendments, transitional or savings provisions required, prospective commencement date if required; and the name of the schedule officer in the Ministry, Department or Agency who is to liaise with the Legislative Drafting Division of the Attorney-General's Department. The draft Bill will be prepared by the Legislative Drafting Division in close collaboration with the sponsoring Ministry through the schedule officer.

After consultation between the Legislative Drafting Division and the sponsoring Ministry, the Bill is finalised. Upon finalisation, the draft Bill is submitted to the sponsoring Ministry with an Explanatory Memorandum attached in accordance with Article 106 of the Constitution.

The draft Bill, with the memorandum unsigned is then submitted by the sponsoring Minister to Cabinet to seek approval for the Bill to be laid before Parliament. The Secretary to the Cabinet communicates the approval of Cabinet to the Attorney-General and the sponsoring Ministry.

After that, arrangements are made by the Legislative Drafting Division for the printing and publication of the Bill in the *Gazette* for the statutory fourteen day period as stipulated in Article 106 (2) of the Constitution.

The Bill is then laid before Parliament by the sponsoring Minister and goes through the Parliamentary process of passage into an Act of Parliament. It is assented to by the President and comes into force after it has been published in the *Gazette* in accordance with Article 106 (11) of the Constitution.

### **Process for amendment of an Act of Parliament**

The procedure is similar to that for enacting fresh legislation. It begins with the sponsoring Ministry obtaining approval from Cabinet for the policy of the amendment and continues in the same way as the enactment of new legislation.

### **Panel Discussion: Legal Mechanisms**

Stakeholders who contributed during the discussion include: Dr. Brian Crawford, Prof Martin Tsamenyi, Mrs. Adenu-Mensah and Mr. George Hutchful.

- There was clarification on the levels where rules might be made and how they might be enforced. Although the initial premise was to have rules made at the national level, the need for rule making at the local level was also apparent. It is possible for rules to be made at various levels if devolution of authority is accepted as a broad principle. Also, it is possible to have a national rule with variations made to suit local circumstances. These

local rules become part of the rules specific to the particular region but may not apply to all regions.

- At the local scale, rulemaking and enforcement could be done at the community level either through the district assembly or through the Fisheries Commission. The choice of law making body is a policy decision. It would be necessary to specify the obligations of the various stakeholders within the legislation. For example, obligations for the Minister/Fisheries Commission to provide adequate resources, extension services, assist co-management committees to draw up a constitution, etc. At this level it is also important to decide on an exclusion rule to allow co-management groups to exclude or include other fishers, set limits for entry if people from adjoining areas want to fish, set access fees if required, and require visiting fishers to abide by the rules set. Enforcement may also take place at various levels. Different enforcement structures may be applied for the various fisheries. For example, it might be appropriate to have the *Sardinella* fishery managed and enforced at the national level, demersals at the regional, and estuaries and lagoons at the local level.
- The designation of the enforcing agents is a sensitive issue. The marine police should be empowered to enforce both national and regional level laws. The role of a community task force may be suitable at a very local level. The role of the Chief Fisherman as an enforcement agent was discussed and concerns were raised that this could lead to conflict. It is sometimes better to separate the law enforcement activities from the community management and to have designated law enforcement officers. Voluntary compliance should be encouraged, as should reporting of offenders to enforcing agents.
- It was made clear that management groups cannot be created without an amendment to the current Fisheries Act with the finer details contained in a Legislative Instrument. At the present time advisory bodies without decision making powers can be created. These will put pressure on the Ministry to move forward with changes to the legislation.

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## Annex 1: Workshop Participants

	Name	Organisation	Position
1	Agbeti Gifty	Fishmonger.	
2	Albert Katako	Care International	Program Coordinator
3	Alex Sabah	Fisheries Commission	Regional Director
4	Ali Issa	CRC-Ghana	Logistics Officer
5	Alice Tettey	Ghana News Agency	Editor
6	Bema Adenu-Mensah	Nyame Yie Coldstore	Dep. Managing Director
7	Benedicta Dorlagbenu	Ghana National Canoe Fishermen's Council	Fishmonger
8	Brian Crawford	Coastal Resources Center/University of Rhode Island-USA	Director
9	Caroline Hammond	Coastal Resources Center – Ghana	Secretary
10	Cephas Asare	WorldFish	Research Analyst
11	Cheryl Anderson	USAID, Ghana	Mission Director
12	Christopher Imbrah	TV Africa	
13	Cornelius Nartey	Metro TV	Reporter
14	Donkris Mevuta	Friends of the Nation	Executive Director
15	Daniel Doku Nii nortey	Coastal Resources Center – Ghana	Intern
16	Daniel Y Owusu	Fisheries Commission	Sec. to Commission
17	David Asante-Apeatu (CoP)	Ghana Police Service	CoP
18	David Essuman	TV Africa	
19	David Mills	WorldFish	Senior Scientist
20	David Yarboi	Ghanaian Times	
21	Doris Ahadzi	Tema Fishmongers Association	Fishmonger
22	Dr. Cornelius Adablah	West Africa Regional Fisheries Program – Ghana	Coordinator
23	Dr. Denis Aheto	University of Cape Coast	Lecturer
24	Dr. Noble K. Asare	University of Cape Coast	Lecturer
25	Ed Quashie	Metro TV	Cameraman
26	Edward Taylor	Friends of Nation	Driver
27	Elvis Addae	Coastal Resources Center – Ghana	Communications Officer
28	Emelia Abaka-Edu	Ghana National Canoe Fishermen's Council	Fishmonger
29	Emmanuel Eshun	Elmina Bantama	Landing Beach Committee
30	Emmanuel N. Botchway	Ghana Inshore Fisheries Association	Secretary
31	Enock Yeboah	ViaSat 1	Regional Editor
32	George Hutchful	Coastal Resources Center-Ghana	Nat. Policy Coord.
33	Godfred Ameyaw Asiedu	WorldFish	Fisheries Advisor
34	Hon. Nayon Bilijo	Ministry of Fisheries and Aquaculture Development (MOFAD)	Minister
35	Hon. Yaw Frimpong Addo	Parliament	MP
36	Isaac Okyere	University of Cape Coast	PhD Student
37	John Coffie-Agama		Consultant
38	Justice Odoi	USAID, Ghana	Environmental Specialist
39	Justice R. Prah	Fisherman	
40	Kingsley N. Baudu	GTV	Reporter
41	Kobby O. Darko-Mensah	Parliament	M.P.
42	Kofi Agbogah	Coastal Resources Center – Ghana	Program Director
43	Kofi Mensah	FoN	Driver

44	Kweku Baako	TV Africa	Reporter
45	Kyei K. Yamoah	Friends of Nation	Prog. Coordinator
46	Linda Dsane	Coastal Resources Center – Ghana	Communications
47	Louis Acorlatse	F.R.	
48	Martin Tsamenyi	Univ. of Wollongong, Aus.	Director, Australian National Center for Ocean Resources and Security (ANCORS)
49	Matilda Quist	Fisheries Commission	Deputy Director
50	Michael Adodoji	GTV	Cameraman
51	Mike Akyeampong	Fisheries Commission	Chairman
52	Nana Ama Anowiah	Edna Traditional Council	
53	Nana Jojo Solomon	Fisheries Alliance	Chief Fisherman
54	Nana Koba Amankwah	Edna Traditional Council	Queen Mother
55	Nana Kojo Konduah	Ghana National Canoe Fishermen’s Council	Chief Fisherman
56	Nene Sorsei Quarshie	Ghana National Canoe Fishermen’s Council	Chief Fisherman
57	Noble Wadzah	OilWatch	Coordinator
58	Patricia Aba Mensah	Coastal Resources Center – Ghana	M & E Officer
59	Paul Bannerman	Fisheries Commission	Deputy Director
60	Peter Trenchnard	USAID, Ghana	Eco. Office Director
61	Philip Mensah	TV3	Reporter
62	Raymond A. Ashiaquaye	Line & Hook	Secretary
63	Regina Djokoto	Attorney General’s Dept.	Asst. State Attorney
64	Richard Adupong	Friends of Nation	Project Officer
65	Richster Amarfo	Fisheries Alliance	Co-convener
66	Robert Buzzard	USAID, Ghana	NRM Advisor
67	Samuel Abbam Aikins	Coastal Resources Center – Ghana	Driver
68	Samuel Quaatay	Fisheries Commission	Director
69	Seth Kedoy	Ghana National Canoe Fishermen’s Council	Chief Fisherman
70	Shirley Asidu-Addo	Daily Graphic	Journalist
71	Supi Aduesi Acheampong	Traditional Council	
72	Tendayi Maravanyika	WorldFish	Post Doc
73	Theodore Alsu Bensah	GTV	Soundman
74	Theophilus Boachie-Yiadom	Friends of Nation	Project Officer
75	Theophilus Quainoo	TV Africa	
76	Thomas Cann	TV3	Reporter
77	Tina Arkorfu	Daily Graphic	
78	Yaw Atobrah	Fisheries Commission	Regional Director
79	Zakaria Yakubu	Care International	Program Coordinator

## Annex 2: Workshop Programme

<b>DAY 1</b>	
<b>Opening – Chair: Hon. Kobby Okyere-Darko Mensah (MP Takoradi)</b>	
9.00	Welcome and Introduction: Mr. Kofi Agbogah (Director, Hen Mpoano) Self-introductions by all participants
9.10	Statement by USAID: Ms. Cheryl Anderson (Mission Director, USAID)
9.20	Statement by World Bank: Ms. Susanne Bouma
9.30	Keynote Statement: Hon. Nayon Bilijo (Minister for Fisheries and Aquaculture Development)
9.40	Dialogue Objective and Structure: Dr. Brian Crawford (Director, CRC)
<b>Session 1: Overview - Chair Mr. Donkris Mevuta (Executive Director, FON)</b>	
19.45	<b>Plenary Presentation 1:</b> Status of Ghana’s Coastal Fishery Resources – Mr. Godfred Ameyaw (Fisheries Advisor, WorldFish)
10.00	<b>Plenary Presentation 2:</b> Towards Collaborative Management – Dr. David Mills (Senior Scientist, WorldFish)
10.15	Plenary discussion
10.30	<b>Coffee Break + group photo</b>
11.00	<b>Plenary Presentation 3:</b> Regional Consultations on a Co-Management Framework – Mr. Kyei Yamoah (Fisheries Alliance)
11.30	<b>Plenary presentation 4:</b> Requirements for Legal System Reform: Prof. Martin Tsamenyi (Legal Consultant)
12.00	Discussions
12.30	<b>Lunch</b>
13.30	Tragedy of the Commons – a fishing simulation game
14.15	Game debrief
<b>Session 2: Designing Co-management Frameworks for Diverse Fisheries Systems (Facilitators: Tendayi Mutimukuru Maravanyika and Brain Crawford)</b>	
14.40	Breakout groups <ul style="list-style-type: none"> <li>• The <i>Sardinella</i> fishery</li> <li>• Nearshore demersal fish stocks</li> <li>• Freshwater lakes</li> <li>• An estuarine/lagoon area</li> </ul>
16:00	Plenary report back and discussion
17.20	Summary and brief introduction to day 2 (Dr. David Mills)
<b>DAY 2</b>	
9.00	Introduction to day 2: Kofi Agbogah
<b>Session 3: Designing a Co-management Framework (Facilitators: Kyei Kwadwo Yamoah and Richster Amarfio Fisheries Alliance)</b>	
9.10	Breakout Groups Developing guidelines for making co-management operational <ol style="list-style-type: none"> <li>1. Principles for establishing committee membership</li> <li>2. Rules and jurisdiction of committees and support institutions</li> </ol>
11.10	Coffee Break
11.30	Plenary Report back on Session 3



<b>12:30</b>	<b>Lunch</b>
<b>Session 4: Panel Discussion on Legal Mechanisms (Facilitator: Martin Tsamenyi)</b>	
13.30	Panelists: Martin Tsamenyi, Kofi Agama, Regina Dzokoto, Kobby Okyere-Darko Mensah
	Discussion Themes: <ul style="list-style-type: none"> <li>• What can be done under existing legislation?</li> <li>• What can be done through a legislative initiative?</li> <li>• What changes would be needed to the existing Fisheries Act or Local Government Act?</li> </ul>
<b>Session 5: Action Planning (Facilitator: Kofi Agbogah)</b>	
15:00	Next steps towards implementation: <ul style="list-style-type: none"> <li>• Possible actions under existing legislation</li> <li>• Statements from AGs office regarding processes for an LI</li> <li>• Fisheries Commission plans for implementing co-management in Ghana</li> </ul>
<b>Closing Remarks</b>	
16:30	USAID Fisheries Alliance University of Rhode Island

### **Annex 3: Address by Kofi Agbogah, Chief of Party, Coastal Resources Center, Ghana**

- Mr. Chairman
- Nananom
- Your Excellences
- The Hon. Minister, Fisheries and Aquaculture Development
- Honourable Members of Parliament
- Honourable DCEs
- The Hon, Chairman, Fisheries Commission
- Invited Guests
- Our Dear Friends from the Press
- Ladies and Gentlemen

Oh behalf of CRC-Ghana and its partners, implementers of the Hen Mpoano Initiative, it is my pleasure to welcome you to the Third National Dialogue on Fisheries Management in Ghana. In welcoming you, I would like to give a little background to set the stage for our deliberations today and tomorrow.

During the Second Fisheries Dialogue held here in April 2012, participants concluded that the development of a framework for fisheries co-management in Ghana was needed to further clarify the implementation of the intent of the Fisheries Act of 2002 and the Fisheries Regulations, LI 1968 of 2010. Also, it was strongly suggested that the Hen Mpoano partners should initiate action on the process to develop a framework for the implementation of a fisheries co-management arrangement for Ghana. As a follow-up to those recommendations, this Third Dialogue “*development a national framework for fisheries co-management in Ghana*” is being held with them.

The Ghana Fisheries and Aquaculture Policy states that fisheries will “...*contribute to socio-economic development through food and nutritional security and poverty reduction in a sustainable and economically efficient manner*”... and the associated Strategic Development Plan states that “*the canoe sector will remain the heart of the Ghana fishing industry and will be the key target sector for investments.*”

We on the Hen Mpoano Initiative strongly endorse the tenets of the policy and plan. However, the results of our work in the Western Region over the last three and half years and national fisheries statistics (confirmed by ordinary fishermen in Axim and Elmina), suggest that there are gaps in our fisheries management which are hindering the achievement of the objectives of the fisheries policy plan.

If the canoe sector will continue to remain the heart of Ghana’s fisheries then the practitioners (artisanal fishers) must be part of the rule making and management of the fisheries resources whose harvest is at an all-time low and reaching a crisis point. At present, the involvement of fishers in the management of fisheries in Ghana is poorly defined and there is a need to develop a new paradigm (a collaborative management or a co-management arrangement) which allows for a mix of top-down and bottom-up systems of fisheries management.

Section 139 of the Fisheries Act 625 of 2002 provides for the Minister (responsible for Fisheries), by a Legislative Instrument, to make regulations prescribing measures for the conservation and management of fisheries. Additionally, Section 59 allows the Fisheries Commission to make recommendations for such further provisions as the Minister considers necessary for regulating the artisanal fishery. The objective of the discussions over the next two days and the expected outcome is to propose a framework for effective fisheries co-management and the necessary enabling policies to put it into action.

As I stated in my welcome remarks at last year’s dialogue, the remit of the partners on the Hen Mpoano Initiative, among others, is to support the building of strong institutions in Ghana to effectively and sustainably manage our resources, especially coastal resources including fisheries. Building strong institutions was the cardinal message of President Barack Obama’s speech to Ghanaians and the world when he visited this country in July 2009. It was

therefore appropriate that the Hen Mpoano Initiative be generously supported and funded by the American People through USAID Ghana.

It is my hope that these two days of deliberations will help to define and clarify the roles fisher folks could and would play in the design of any co-management arrangement aimed at bridging one of the identified gaps in fisheries management in Ghana.

Once again, I welcome you to the Third National Fisheries Dialogue and urge all of you to actively participate in the deliberations which are aimed at bringing together the ingredients for a legislative initiative for co-management in the fisheries sector of Ghana.

Thank you and welcome,

Kofi Agbogah  
Director  
Coastal Resources Center

## **Annex 4: Introductory remarks by Cheryl Anderson, USAID/Ghana Mission Director**

Honorable Minister, Chairman of the Fisheries Commission, Director, distinguished Ladies and Gentlemen welcome to the Third National Fisheries Governance Dialogue. The importance of fisheries to Ghana's economy cannot be overemphasized. Fishing employs about 10 percent of the population and fish are an important source of protein for a majority of the population. The artisanal fishery is one of great importance and contributes approximately 70 percent of the total national fish catch. Unfortunately, the mainstay of the artisanal fishery, the small pelagic stock, is under threat from destructive fishing methods and overfishing.

As you know, pelagic stocks are key to food security. Recent estimates show that the catch of small pelagic fish has declined from a peak catch of 120,000 metric tons per year ten years ago, to approximately 30,000 metric tons, over the last few years. The situation is exacerbated by the use of illegal methods as well as uncontrolled fishing. This is truly a crisis for fishermen, their families, the processors and marketers, and the many other people that depend on this resource.

This is also a crisis for the many families that rely on fish as an affordable source of protein. The government of Ghana places high importance on the fisheries sector as a key driver of food security and poverty reduction. To achieve these goals, new policies and procedures are needed that will provide the necessary governance to rebuild fish stocks.

In order to return to its former health, a number of short-term and long-term changes need to be instituted. For example, unsustainable fishing practices must be halted, and fishing must be reduced either through closed seasons or by reducing the number of fishermen catching fish. These changes will be difficult, and I know they will create hardship for some in the short term. But if significant action is not taken now, Ghana will suffer the fate of other great fishing nations that saw the collapse of their fisheries, as in the North Sea and Peru. But if action is taken now, the long term future for fisheries in Ghana is bright. Spain is a good example of a country that saw a recovery in its small pelagics after important interventions. Ghana can do the same.

USAID is funding the Integrated Coastal and Fisheries Governance project that supports the Ministry and Fisheries Commission in their efforts to enforce existing regulations that ban unsustainable practices. The project is also looking for new and effective ways to empower fishing communities to improve conditions at landing sites. USAID is joined by other donors in this effort, including the World Bank support to the West Africa Regional Fisheries Project. Together, I believe we can solve many of these important issues.

Some of the essential building blocks for change are already in place. Through this dialogue we hope to build on this momentum and formulate recommendations for the Ministry that build on lessons of the past. We are also looking to contribute co-management ideas and initiatives that will better link the fishing industry to the government so that fish stocks will be rebuilt and profitability returns.

In conclusion, I hope you will pursue these sessions with keen interest, frank dialogue and respectful debate. In the end, I hope you will recommend fresh and constructive ideas for a workable framework that will be used for the revitalization of the fishing sector.

*Hen Mpoano, Eni ye Daakye* (our coast, our future).

Thank you for your work.

## **Annex 5: Keynote address delivered by The Honourable Nayon Bilijo, Minister for Fisheries and Aquaculture Development**

- Mr. Chairman
- Chairman of the Fisheries Commission
- Representative of USAID
- Representatives of other development partners
- Hen Mpoano director
- Distinguished resource persons
- Director and personnel of the Ministry of Fisheries and Aquaculture Development
- Representatives of various fisheries associations in Ghana
- Hardworking fishermen and women
- Members of the press
- Distinguished invited guests
- Ladies and gentlemen

I deem it an honour and privilege to be given the opportunity to deliver the keynote statement on the occasion of the Third National Fisheries Governance Dialogue and to deliberate on ways of improving fisheries governance in our dear country. This occasion is also special to me for it is my first official engagement with fishers and other stakeholders since I assumed office as Minister for Fisheries and Aquaculture Development. I therefore wish to express my profound gratitude and appreciation to the Hen Mpoano Initiative for the opportunity given to me. Let me take this opportunity to register my sincere thanks to USAID and other development partners for their financial and technical assistance in organizing and hosting this important meeting.

Mr. Chairman, it would interest you to know that the President of the Republic of Ghana, H.E. John Dramani Mahama has the fisheries sector at heart and follows with keen interest issues concerning the fishing industry. He has requested me to convey his fraternal greetings to all participants of this meeting and wish you a fruitful deliberation. I can assure you that he will be waiting anxiously to know the outcomes from this meeting.

Mr. Chairman, Ladies and Gentlemen, the government has identified the fisheries sector as one of the economic sectors that has the potential to contribute significantly to

- Employment
- GDP
- Foreign exchange earnings
- Nutritional (animal protein) requirement
- Raw materials for industry
- Food security
- Poverty reduction

Mr. Chairman, the fisheries sector has not been able to achieve its full potential for reasons that are of common knowledge to us all; poverty is still high in many fishing communities. It is to give the fisheries sector the necessary policy focus to enable it to achieve its potential that the Ministry of Fisheries and Aquaculture Development (MOFAD) has been established and a Minister appointed by the President.

Mr. Chairman, Ladies and Gentlemen, I am happy to inform you that the MOFAD will roll out programs under the following thematic areas over the next five years as part of the West Africa Regional Fisheries Program:

- Improving Fisheries Governance and Sustainable Fisheries Management
- Reducing Illegal Fishing
- Sustainable Aquaculture Development
- Improving Value Addition

Mr. Chairman, Ladies and Gentlemen, I have been informed that the purpose for the Third National Fisheries Governance Dialogue is “To outline a framework for a new phase of fisheries co-management in Ghana and path for how this can be articulated in a policy and with a clear legal mandate”. Let me take this opportunity to commend the Hon Mpoano for the initiative. The government identified co-management as one of the pillars for achieving sustainable fisheries management in the early 1990s. It is in line with the aforementioned that the Community-Based Fisheries Management Committees (CBFMC) concept was introduced and made operational under the World Bank Funded Fisheries Sub-Sector Capacity Building Project in the period 1996-2001. Admittedly, the CBFMCs had challenges and lessons have been learnt. These ‘lessons learnt’ should guide us in formulating and implementing future co-management programs.

Mr. Chairman, under the “Improving Fisheries Governance and Sustainable Fisheries Management Thematic Area”, the MOFAD will implement a “Rights-Based Fisheries Management” concept, another form of co-management, on a pilot basis in selected fishing communities. The form in which the proposed “Rights-Based Fisheries Management” will take is an issue that is still open for discussion. The Third National Fisheries Governance Dialogue will provide input to the “Rights-Based Fisheries Management” that the MOFAD intends to introduce.

Mr. Chairman, Ladies and Gentlemen, the Fisheries Act 2002, Act 625 and Fisheries Regulations 2010 (LI 1968) are the main legal instruments for the governance of the fisheries sector. These two legal instruments do not adequately cover co-management. Fortunately, one of the activities under the “Improving Fisheries Governance and Sustainable Fisheries Management Thematic Area” is a review of the Fisheries Act and Regulations to, among others, incorporate other international instruments and national agenda. The MOFAD will ensure co-management is adequately taken care of should the Fisheries Act and Regulations be reviewed.

Mr. Chairman, considering the caliber of experts and stakeholders assembled at this meeting, I have no doubt in my mind that a plan will formulate that can be the basis for implementing a co-management program in the fisheries sector. You all agree with me that any organization’s vision can only be achieved through transforming the vision into a plan. I therefore entreat all participants to put in their best efforts to ensure that the outcome of this meeting does not only enable us to achieve our vision, but also moves the fisheries sector forward in the right direction.

Mr. Chairman, Ladies and Gentlemen, at this juncture, I have the pleasure to declare the Third National Fisheries Governance Dialogue duly open. It is my fervent hope and expectation that we will have fruitful deliberations that will see us taking decisions for the common good of our nation.

Thank you for your attention and may God bless us all.



**Dialogue Participants**



**Canoes docked at a landing beach**





**Fish smoking Process**

**Coastal Resources Center**  
University of Rhode Island  
220 South Ferry Road  
Narragansett, Rhode Island 02882 USA

Tel: 401-874-6224  
Fax: 401-874-6920  
[www.crc.uri.edu](http://www.crc.uri.edu)

**WorldFish**  
Jalan Bau Maung,  
Batu Maung,  
11960 Bayan Lepas,  
Penang, MALASIA

Tel: +604 626 1606  
Fax: +604 626 5530  
[www.worldfishcenter.org](http://www.worldfishcenter.org)