

REPORT

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FAO Regional Office for Africa, Accra

Roundtable to discuss the international guidelines on the responsible governance of tenure and the relevance for Ghana's fisheries sector



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Food and Agriculture
Organization of the
United Nations



Far Dwuma Nkodo
Securing Sustainable Fisheries



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Summary

- The *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security* (VGGT) and the *Voluntary Guidelines for Securing Sustainable Small-scale Fisheries in the Context of Food Security and Poverty Eradication* (SSF Guidelines) represent a global consensus on tenure and fisheries governance that can provide guidance as Ghana embarks on the reform of its fisheries law framework.
- As part of the legal reform process, the Ministry of Fisheries and Aquaculture Development (MoFAD) has requested the technical assistance of the UN Food and Agriculture Organization (FAO) to carry out an assessment of Ghana's law and policy framework related to fisheries and aquaculture, for alignment with the guidelines and other international instruments. The assessment will be carried out in consultation with stakeholders, who will have an opportunity to comment on the findings and recommendations.
- The concept of "legitimate tenure rights" is central to both the VGGT and SSF Guidelines, encompassing both informal and formal rights of access to resources. The guidelines encourage States to adopt laws and policies that enhance respect, recognition, protection and safeguarding of legitimate tenure rights, including through provision of access to justice and compensation in case rights are infringed. The guidelines also cover implementation principles such as participation and accountability (human rights and good governance) that should be reflected in the law.
- The link between human rights and fisheries governance enshrined in the guidelines should not be equated to open access to the resource. Indeed, open access may not necessarily be compatible with human rights, particularly if they allow the more powerful better access. The guidelines rather espouse both the rights and responsibilities that come with use rights, and apply general fisheries management principles to small-scale fisheries, including sustainable use, the precautionary approach and ecosystem approach.
- These principles and guidelines can assist in addressing some of the challenges affecting Ghana's small-scale fisheries sector, both in the marine and inland sectors, including exclusion from fishing grounds, loss of access to landing sites and competition/conflicts with other resource users such as tourism, oil exploration and aquaculture. They can also provide guidance for spatial planning, participatory decision-making, and implementation of Ghana's forthcoming co-management policy.
- Sierra Leone has already been through the process of aligning its fisheries laws and policies with the guidelines. This experience can provide guidance and best practices for implementation of the guidelines in Ghana. Examples of success factors in Sierra Leone include the establishment of a robust institutional framework involving key stakeholders at all levels, the identification of civil society organisations to disseminate information about the guidelines, and ensuring political buy-in at both local and central government levels.
- The VGGT framework presents an opportunity to change the business as usual approach to the governance of natural resources and the extractive sector in Ghana. Participants recommended that an Inter-Ministerial Task Force be established to form the basis of VGGT implementation, in which crosscutting issues relating to fisheries and interactions with other sectors could be considered to ensure policy coherence. A Technical Committee could be established in the meantime to draw a roadmap towards VGGT implementation at the technical level.
- To be "legitimate", stakeholders maintained that the process of rolling-out the VGGT must be fully participatory, involving stakeholders across all sectors involved in the VGGT and including cross-sectoral consultations.

Introduction

Small-scale fisheries are a vital source of income and food for millions of people across West Africa, employing 20 times more people than industrial fleets. Ghana has one of the largest and most important small-scale fleets in the region, representing 11% of total artisanal canoes in West Africa. More than 10% of the country's total population depend on fisheries for their livelihoods and food security, with small-scale fisheries employing over 80% of fishers.

Ghana's fishing sector provides the economy with a billion US dollars every year, however it is in steep decline, with landings of small pelagic species reaching their lowest recorded level since 1980. As a result, the country is now forced to import more than half of its fish for consumption. Artisanal fishing communities have been hit hardest by this severe depletion of fish stocks: the average annual income per canoe has dropped by as much as 40% in the last 10-15 years, leaving people vulnerable to food insecurity and hardship.

The aim of the roundtable was to bring together decision-makers and stakeholders to explore how implementation of the *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security* (VGGT)¹ could help to address some of the challenges facing Ghana's small-scale fisheries sector in the context of the on-going reform of the national fisheries law framework.

The VGGT represent an unprecedented international agreement on the governance of tenure, placing secure access to land, fisheries and forests firmly in the context of food security. The Guidelines set out international best practices for strengthening land tenure and resource rights as a strategy to prevent conflict, empower women and reduce food insecurity. Together with the *Voluntary Guidelines for Securing Sustainable Small-scale Fisheries in the Context of Food Security and Poverty Eradication* (SSF Guidelines)², and drawing on the *Code of Conduct for Responsible Fisheries*, the VGGT provide comprehensive guidance to governments, civil society and the private sector, on how to promote responsible governance of tenure of fisheries resources in line with international best practice, and an authoritative point of reference for states amending or adopting laws on these issues.

Introductory statements

Mr. Abebe Haile-Gabriel, Country Director, FAO in Ghana

Mr Haile-Gabriel opened the meeting by emphasizing the significance of secure tenure rights and equitable access to productive resources for the achievement of sustainable development goals. He noted that the VGGT aims to promote responsible governance of tenure of land, fisheries and forests,

¹ The VGGT provide the first global consensus on what it means to improve tenure and its governance. They were unanimously endorsed on 11 May 2012 by the top United Nations (UN) body responsible for food security issues – the Committee on World Food Security (CFS). The final text of the VGGT is the product of two years of extensive consultations across multiple regions and diverse stakeholder groups, reaching almost 1000 individuals from over 130 countries. Following their endorsement, the VGGT received widespread expressions of political support, from the United Nations General Assembly (UNGA, 2012), the Rio +20 Conference (Rio+20, 2012) and the G20 (G20, 2012), amongst others.

² The SSF Guidelines were endorsed by the FAO's Committee on Fisheries (COFI) in 2014 and are the first global instrument that aims specifically to bolster the livelihoods of the 100 million+ people who work in the small-scale fisheries sector and increase their contribution to global food security and nutrition.

with respect to all forms of tenure: public, private, communal, indigenous, customary, and informal. Its overarching goals are to achieve food security for all and support the progressive realization of the right to adequate food in the context of national food security.

Mr Haile-Gabriel noted the relevance and timeliness of the roundtable, in view of the ongoing legislative review for the fisheries sector to finalize the new Fisheries bill for the country. He informed participants of the review to be carried out by FAO of the existing legal and policy framework from a VGGT and SSF Guidelines perspective and reiterated FAO's commitment to continue to collaborate with the government and partners.

Mr Christopher Ackon, Programme Officer, Delegation of the European Union to Ghana

Mr Christopher Ackon provided an introduction to the two EU fisheries projects in Ghana. The project "Far Ban Bo", in *Fante* meaning "protecting fishing livelihoods", is being implemented by a consortium made up of Care International in Ghana, Oxfam Ghana and Friends of the Nation (FoN). "Far Dwuma Nkɔdo" meaning "Securing Sustainable Fisheries" is being implemented by the Environmental Justice Foundation (EJF) in partnership with Hen Mpoano. The projects form part of the EU Land Governance Programme, which provides financial support to 17 country level projects across Africa, as well as in Brazil, Colombia and in Pakistan. Transversal support is provided to the projects through the FAO. The EU Land Governance Programme is situated within the guiding framework of the VGGT.

Hon. Francis Kingsley Ato Cudjoe, Deputy Minister for Fisheries and Aquaculture Development

In his opening statement, the Deputy Minister highlighted that the process to revise Ghana's fisheries laws presents a crucial opportunity to address emerging issues and challenges in the fisheries sector, to rectify existing weaknesses in the legal framework, and to bring the legislation into line with international standards. He remarked that, through this process, Ghana has an opportunity to establish itself as a world leader in fisheries governance and sustainable fisheries management.

According to the Deputy Minister, developments that have taken place at international level since the 2002 Fisheries Act entered into force can provide guidance on the governance and sustainable management of fisheries resources. It is for this reason that the Ministry has requested that FAO carries out an assessment of Ghana's existing fisheries law and policy framework for alignment with the VGGT and SSF Guidelines, as has been carried out in other countries such as Sierra Leone. This assessment will provide valuable recommendations for how to ensure these important global guidelines are reflected in the revised fisheries law.

The Deputy Minister welcomed the timing of this roundtable to gather inputs from stakeholders in the fisheries sector on how these guidelines may be put into practice. He also welcomed further contributions from civil society, industry, academia and others as the government works to improve the national law for the long-term benefit of those who rely on Ghana's fisheries resources for their livelihoods.

More broadly, the Deputy Minister welcomed the framework provided by the VGGT to improve collaboration and coordination across Ministries and government institutions to discuss crosscutting issues relating to the governance of tenure of land, fisheries and forests, and to ensure laws and policies are consistent across departments and sectors on these issues. He expressed hope that the meeting would represent a first step towards developing an institutional framework for implementing

the VGGT in Ghana, and reiterated that the Ministry looks forward to working with others in Government as they embark on this process.



Hon. Francis Kingsley Ato Cudjoe, Deputy Minister for Fisheries and Aquaculture Development, makes his opening statement.

Film screening

Following the opening statements, the *Far Dwuma Nkodo* project partners, EJP and Hen Mpoano, screened a short film to introduce the VGGT and SSF Guidelines, and how they can provide relevant guidance for addressing the challenges facing Ghana's small-scale fisheries sector.

The film is available online here: <https://vimeo.com/261337744/2e79ace92d>

Presentations

Governance of tenure in the fisheries context – introduction to the VGGT & SSF Guidelines ***Mr Martin Van Der Knaap, Fishery and Aquaculture Officer, FAO in Ghana***

Mr Van Der Knaap provided an overview of the key principles and provisions of the VGGT and SSF Guidelines, and how these provide an internationally agreed framework of principles and guidance on the governance of tenure in fisheries.

Two key areas covered by the SSF Guidelines are the responsible governance of tenure and sustainable resource management. As regards the former, the Guidelines stress the importance of secure and equitable tenure rights to fishery resources and to land in coastal areas, to ensure access to fisheries and related activities such as processing and marketing. In particular, the Guidelines provide that rights

to access fishery resources (use rights) and rights to be involved in fishery decision-making (management rights) be linked to social, economic and human rights.

As regards sustainable resource management, the SSF Guidelines call for the responsible management of aquatic ecosystems and associated biodiversity as a fundamental basis for livelihoods. They stress the rights and responsibilities of different actors in resource management and call for participatory approaches, including co-management.

Discussion

Nene Tsatsu Pediator IV, representative of the Paramount Chief of Ada, made the observation that in the clam fishery of Ada, there is no separation of the roles of women and men, and that we should be mindful of this when referring to the rights of women. He noted that the traditional management system for the clam fishery is working well, and that this system should be studied, documented and improved upon but not changed.

Professor Denis Aheto from the University of Cape Coast (UCC) expressed support for the VGGT approach that links the sustainable use of land, forests and fisheries, noting that this can provide guidance for sustainable land planning.

Dr Wordsworth Larbi from FAO stressed the importance of incorporating the principles of the VGGT into the legal framework, and the need for those affected by decisions to be involved in the law-making process. This increases ownership of the law, ensuring local people understand what the law says and what is required of them.

Dr George Darpaah from UCC observed how, in the past, committees have been established along the coast without the involvement of women. Yet women are crucial players in the fishing industry.

Mr Noble Wadzah from OilWatch Ghana commented on the momentum around the re-organisation of the Fisheries Act, and how this momentum can be promoted within other sectors. He observed that this could shape the way contracts are awarded to the private sector, where currently decisions are taken without the engagement of those affected.

Hon. Francis Kingsley Ato Cudjoe queried how the notion of rights to access fisheries resources could be reconciled with serious issues of over-capacity if sustainable management is to be achieved. He asked to what extent the VGGT had been considered in the development of the co-management policy. He noted that the Ministry had appealed to FAO to ensure alignment of the future legal framework with the VGGT and that the Ministry would look at its policies to ensure alignment with the VGGT so that the laws move with the times.

Mr Kofi Agbogah of Hen Mpoano responded that some of the issues raised by the VGGT have been covered in the co-management policy. He stressed that the policy should address the issue of the tragedy of the commons, provided it is well implemented.



Mr Jacob Tetteh Ageke of the National Inland Canoe Fishermen Council (left) and Nene Tsatsu Pediator, representative of the Paramount Chief of Ada East (right), at the meeting.

Overview of the EU Land Governance Programme

Dr Wordsworth Larbi, EU Transversal Project Coordinator, FAO/African Land Policy Centre, Ethiopia

Dr Larbi provided an overview of the EU Land Governance Programme. He noted that the country-level projects cover a wide variety of tenure issues including the mapping and recording of community/customary rights, the legal recognition of customary rights, inventory of public lands, agricultural investments, and fisheries tenure. The FAO provides transversal support to the Programme, the aim of which is to link the individual projects and to strengthen their capacity to achieve their objectives within the framework of the VGGT and, in the African context, the African Union Declaration on Land Issues and Challenges. Regular capitalization meetings provide an opportunity to review progress under the various projects, to share experiences and collect good practices. The EU Land Governance knowledge management platform serves as the main online communication tool and information repository for project implementers: <http://www.africallandpolicy.org/eu-programme/>

Dr Larbi identified a number of success factors for implementation of the VGGT in practice, including strong political leadership and commitment to improve tenure governance, and the integration of projects into policy processes, which not only contributes to successful implementation but also to sustainability of gains and impacts e.g. Ghana's revision of its fisheries laws. He advised that deliberate effort is needed to integrate the VGGT into tenure governance process (it will not happen automatically), and highlighted the importance of continued awareness raising and sensitization on VGGT at the country level. Concluding, he drew attention to evidence from the in-country projects that, with the appropriate political commitment and leadership, as well as VGGT champions at country level, the VGGT can be a game changer in tenure governance.

Assessing national fisheries laws and policies for alignment with the VGGT and SSF Guidelines
Mr Sisay Yeshanew, Legal Specialist, FAO Legal Office

Mr Yeshanew introduced the process for assessing national laws and policies for alignment with the VGGT and SSF Guidelines. Regarding the legal status of the guidelines, he highlighted that these build on existing national and international law obligations and must be considered/applied in line with other instruments, including the UN Convention on the Law of the Sea (UNCLOS), the Port State Measures Agreement, the Code of Conduct on Responsible Fisheries (CCRF), as well as human rights instruments. He noted that, while the guidelines are underpinned by a human rights-based approach, this does not imply open access. Indeed, open access may not be compatible with human rights where the most powerful have greater access to the resource. Rather there is a need for equality and consideration of marginalised groups.

Mr Yeshanew welcomed the opportunity, on behalf of FAO, to be engaged in Ghana in carrying out the legal assessment. He explained that the assessment would ensure that the future legislation is comprehensive, responds to existing challenges, is in line with international obligations and reflects the interests of relevant stakeholders. He cautioned that, without a legal assessment, there could be a need to revise the legislation within a short time period.

Mr Yeshanew explained that the assessment would involve an analysis of national laws in light of international legal frameworks and accepted standards to identify strengths, weaknesses, gaps and challenges. Recommendations would be made to ensure alignment between the national legislation and the VGGT/SSF Guidelines, including implementation principles that should be reflected such as participation and accountability (human rights and good governance), as well as provisions aimed at enhancing respect, recognition, protection and safeguarding of legitimate tenure rights. Areas to be examined include whether the law provides for prompt and just compensation in case legitimate tenure rights are infringed, provision for access to justice and dispute resolution, and preferential access to resources for small-scale fishers.

Discussion

Mr Maurice Knight from the USAID-Sustainable Fisheries Management Project (SFMP) raised the question of what is the length of time for the average legislative process. Mr Yeshanew replied that this depends on the context - generally the legal assessment would take around 4-5 months, followed by a consultation on the findings of the assessment. In the context of Ghana, where the law is (reportedly) to be submitted to Parliament in August, it could be possible to have a comprehensive legal assessment in parallel to gathering stakeholder inputs on the drafting instructions, which together could lead to a comprehensive draft of the law.

Mr Balertey Gormey from Hen Mpoano asked whether it would be possible to subject the results of the legal assessment itself to public consultation, as it would be good for the public to be aware of the gaps and inconsistencies. Mr Yeshanew responded that the assessment itself would be participatory. In Sierra Leone, for example, there was a multi-stakeholder structure in place to present the findings of the assessment and to validate the report, following which the recommendations were submitted to the drafters of the law.

Competition & conflicts – challenges in Ghana’s small-scale fisheries sector

Mr Kofi Agbogah, Director, Hen Mpoano

Mr Agbogah provided an insight into the various forms of competition and conflict affecting the small-scale fisheries sector. He described the competition for resources between canoes and semi-industrial vessels fishing the same fishing grounds (within the Inshore Exclusion Zone - IEZ); between canoes and trawlers that illegally harvest fish meant for canoes; and between canoes and bycatch collectors whereby cheap “saiko” fish puts honest fishers at a disadvantage. He observed that the lack of clear demarcation of the IEZ reserved for artisanal fishers makes it difficult for fishers to know if a trawler is fishing within or outside of the IEZ.



Mr Kofi Agbogah from Hen Mpoano delivers his presentation on competition and conflicts.

At the beach level, he remarked that landing sites are being lost to the hospitality industry and to real estate development, as well as to coastal erosion and shoreline reclamation. Further challenges arise due to poor provision of land for fish processors and marketers, poor sanitation, and overcrowding.

Mr Agbogah noted the different interests represented by the Fisheries Commission (FC) and Petroleum Commission (PC), and the absence of an FC representative on the PC Board, and vice versa. He highlighted the human rights implications of interactions between the oil sector and small-scale fisheries, including accidents at sea, destruction of artisanal canoes and nets, and the involuntary displacement of fishers without compensation. He noted that oil rigs serve as fish aggregation devices, yet fishers are excluded from these areas. Contestation is particularly intense around the fish rich oil grounds west of Cape Three Points.

As regards inland and estuarine resources, Mr Agbogah highlighted the implications of expanding aquaculture on the Volta Lake and competition with traditional uses. He described the Ada Clam fishery as a community managed fishery that could be secured through a VGGT/rights-based approach.

Mr Agbogah set out a number of recommendations to address the challenges raised in his presentation:

- Spatial planning to ensure that fisheries are planned for, both on land and at sea.
- Reconsider the demarcation of the IEZ to reduce conflicts between fleets (extension out to sea).
- Reclassify canoe fleet into artisanal and commercial canoes.
- Eliminate illegal transshipment at sea.
- Development of a dedicated coastal policy that requires big businesses to factor the interests, tenure and rights of small-scale fishers.
- Good governance in sanitation.
- The VGGT can provide guidance as Ghana comes to implement its policy on fisheries co-management.

Discussion

Nana Jojo Solomon from the Ghana National Canoe Fishermen Council (GNCFC), expressed shock at the issues raised in Mr Agbogah's presentation. He noted that the artisanal sector is responsible for 60-70% of fish caught in Ghana, and is of considerable social, economic and political importance, contributing to job security, food security and even national security. He noted that the artisanal sector has had very little voice in decisions around oil and gas development, seismic trials and the decision to construct a huge sea defence at Takoradi, which was made without consultation with the fishing and tourism industries.

Mr Emmanuel Mantey Mensah, Chairman of the Fisheries Commission Board, commented that the 2002 Fisheries Act addresses the issue of licensing of canoes, but that fishermen have resisted implementation. He said that while there is a need to devolve management to the district level, there has been a shortage of trained staff with knowledge of the issues to facilitate this.

Mr Isaac Effum from the Land Use and Spatial Planning Authority (LUSPA), Western Region, observed how fisheries had been neglected in planning over the years, resulting in where we are today. He urged planners to take on this issue, and appealed to the EU partners for support and to collaborate with the LUSPA in this initiative. In response, Mrs Peace Kove of the Environmental Protection Agency (EPA) noted that the EPA has presented a proposal under the Abidjan Convention for a national level marine spatial plan. Training has been provided to one representative from the LUSPA in this regard.

Mrs Lydia Sasu from the Development Action Association (DAA) raised the issue of the poor state of many landing sites, which makes buying fish very difficult. She noted that women are the first to see the fish landed, and therefore had a key role to play.

Mr Frank Matey Korli from the LUSPA, Central Region, commented that, under the SFMP, district authorities have been asked to show where fisheries fit in to their Spatial Development Frameworks and ensure they designate space for fishing activities. In Cape Coast, the authority recently demolished structures and demarcated areas for fishing rather than for tourism. He recommended that all coastal regions be mandated to leave areas for fishing, and that this should be set out in the law.

Mr Jacob Tetteh Ageke from the NICFC agreed on the need to re-classify canoes, and also recommended classification of net size, as these now reach up to 300 metres in length. He said that

the need for larger and more bundles of nets is requiring more cheap labour, driving the demand for child labour. Machines are also now being used to harvest clams. There is a need to change attitudes in fishing communities to address these issues.



Mr Emmanuel Mantey Mensah, Chairman of the Fisheries Commission Board (above), and Mrs Lydia Sasu from the Development Action Association (left) make submissions at the meeting.

Implementing the VGGT in Sierra Leone – lessons from fisheries law and policy reforms
Mr Josephus Mamie, Ministry of Fisheries and Marine Resources, Sierra Leone

Mr Mamie provided an overview of the technical support provided by FAO to implement the VGGT in Sierra Leone, with financial support from the German government. Key activities included the establishment of a multi-stakeholder platform on the VGGT, a legal assessment on the alignment of laws and policies on land, fisheries and forests with the guidelines, and support for the development of a draft road map for the effective implementation of the VGGT applied to fisheries and aquaculture governance.

Mr Mamie noted that, in Sierra Leone, the institutional framework provides an avenue for regular updates and follow up actions on VGGT implementation by stakeholder institutions. The framework comprises the following:

- Technical Working Group – technical staff of the stakeholder institutions (land, planning, forestry, food security and fisheries sectors) meet on a monthly basis to discuss VGGT related issues taking place across the various institutions. Issues that cannot be solved at the technical level are escalated to a Steering Committee.
- Steering Committee – representatives of stakeholder institutions at the senior/directorate level meet once per month to review the work of the Technical Working Group. Issues are escalated to an Inter-Ministerial Task Force where appropriate.
- Inter-Ministerial Task Force – political leaders of stakeholder institutions (Ministries of Agriculture, Lands, Fisheries, Justice and Local Government), including the Chief of Staff of the office of the President, meet on a quarterly basis. The task force is chaired by a minister, rotating on a six-month basis.
- Multi-stakeholder platform – includes broad representation from across groups. An annual multi-stakeholder workshop provides an opportunity to increase knowledge on the VGGT and identify priorities for implementation.
- VGGT Secretariat - hosted by the Ministry of Lands, serves as a one-stop shop for VGGT-related questions and enhances coordination and knowledge sharing.

Mr Mamie noted that CSOs have played a key role in disseminating information about the VGGT and SSF Guidelines, using tools such as radio and drama to help people to understand the principles of the VGGT and how they can be implemented. He advised Ghana to identify relevant CSOs to participate in the process. He also highlighted the importance of high-level commitment to implement the VGGT in Sierra Leone, backed by the Government of Sierra Leone, the Government of Germany and the FAO in a G7 Land Partnership Agreement.

In terms of how the VGGT is implemented with regard to fisheries in Sierra Leone, Mr Mamie noted the following key elements:

- Recognition of the rights of communities that depend on fish for their livelihoods to continue to use those resources, and subjecting the right to fish to the principles and approaches applicable to all fisheries such as sustainable use, the precautionary approach and the ecosystem approach.

- Establishment of an advisory body (Scientific, Technical and Economic Committee) consisting of representatives of stakeholders including small-scale fishers and women's groups, to be consulted in management planning and decision-making regarding resources that affect their livelihoods, with provisions covering composition of the committee, membership and selection of representatives.
- Provision of access to fisheries through licensing and/or registration, and protection of access to traditional fishing grounds through an IEZ reserved for small-scale fishers.
- Granting of preferential access to fishing grounds for Sierra Leoneans, especially small-scale fishers.
- Establishment of 31 Community Management Associations (CMAs) along the coast to participate in co-management, including community surveillance. The CMAs are legally registered, and have formulated by-laws.
- Obligation on the part of the Government to involve small-scale fishing communities when negotiating access to fisheries resources if their interests are affected.

Challenges encountered in implementing the VGGT and SSF Guidelines with respect to fisheries include securing financial support for the full implementation of the fisheries strategy, reducing effort of small-scale fishers, and securing support from some local council authorities for the reclassification of "small-scale" canoes due to the loss of rent for local government.

Mr Mamie set out a number of recommendations and best practices from implementing the VGGT in Sierra Leone, including:

- Set up a robust institutional framework involving key stakeholders at all levels
- Identify CSOs to propagate the VGGT guidelines, particularly at community level
- Strengthen participation and collaboration of key institutions and stakeholders
- Ensure political buy-in at both local and central government – this could take the form of drafting a communiqué for Ministers to sign
- Rotate meeting points and institutions to chair regularly
- Learn about the VGGT principles and educate through drama plays
- Seek the services of experts in rolling out the VGGT.

In terms of key outcomes, Mr Mamie noted the following:

- Fisheries policy and legal instruments modernised and aligned with the VGGT and SSF
- Improved participation of stakeholders in fisheries governance
- Crosscutting issues related to sustainable fisheries understood by other stakeholder institutions
- Relatively fewer incursions into the IEZ by industrial fishing vessels
- Increased awareness of conflict resolution in the fisheries sector
- Increased participation of women in fisheries governance at all levels



Representatives from Sierra Leone.

Left: Josephus Mamie, Ministry of Fisheries and Marine Resources, Sierra Leone. Right: Dr Andrew Baio, University of Sierra Leone.

Discussion

Dr George Darpaah from UCC urged those implementing the VGGT in Ghana to form an Inter-Ministerial Task Force due to the cross-cutting nature of fisheries issues that cannot only be dealt with in the Ministry of Fisheries. Although this had been tried in the past, renewed efforts were needed in this regard.

Mr Mamie provided further information on the size of Sierra Leone's small-scale fisheries sector. He noted that a 2012 frame survey counted 12,000 active fishing vessels, most of which were around 6m in length by 1.5m in width, with 1-3 men. When Sierra Leone re-classified its canoe fleet into decked semi-industrial and undecked, the "Ghana planked" canoe (the largest canoe) was classified as an undecked semi-industrial based on size and proportions.

Nene Tsatsu Pediator IV, representative of the Paramount Chief of Ada East, raised the question of how law-makers and fisherfolk in Sierra Leone are working together in this process. He observed that fishermen in Ghana are always fighting against the law, citing the example of Ada and the launch of the watchdog committee programme.

Mr Mamie responded that there are still a number of challenges in Sierra Leone, including securing finances to enhance monitoring, control and surveillance (MCS) capabilities, especially for the industrial fisheries sector. Nevertheless, he noted that Sierra Leone came out top in a recent study on the effectiveness of MCS in combatting IUU fishing in West Africa, citing the establishment of a joint

maritime committee involving various stakeholder institutions as key to this success. He also noted that some CMAs are performing extremely well.

Mr Alex Sabah, from the Western Region office of the Fisheries Commission, noted that Ghana could learn from Sierra Leone as regards inter-agency collaboration. He also raised the question of confiscated nets and whether replacement nets are provided. Mr Mamie responded that nets are either replaced or provided at subsidized rates, but that a balance was needed as constantly supplying nets can be counter productive.

Mr Callum Nolam from the University of Reading asked about the process involved in registering canoes. Mr Mamie responded that canoes classified as subsistence only needed to be registered (not licensed) so that overall capacity of the fleet could be known.

Dr Andrew Baio from the University of Sierra Leone provided some additional insights into VGGT implementation. He noted that the Government of Sierra Leone first started to work on the fisheries law, which was then brought into line with the guidelines. He described how CMAs were allowed to manage Marine Protected Areas, which would transform into Territorial Use Rights for Fisheries, as a way of reducing capacity. All decisions relating to management, such as by-laws, gears and who should fish, were undertaken in consultation with the communities. He drew attention to Principle 4 of the VGGT on the rights and responsibilities of tenure, and Principle 16 on expropriation and compensation. Concluding, he recommended that policies should be coherent across sectors and that all inconsistencies should be reconciled.

Mr Gilbert Sam of the Ghana Industrial Trawler Association (GITA) asked Mr Mamie how by-catch is dealt with in Sierra Leone's trawl sector. Mr Mamie responded that this is a challenge that Sierra Leone is trying to address through research into the size of individual fish and mesh size, and training of observers to record by-catch with support under the WARFP. This will inform whether discards are sufficiently mature and should be retained. He also noted that interest in by-catch has decreased in Sierra Leone and that the trade is not on a large scale.

Plenary session

The meeting closed with some final remarks from participants on their impressions of the VGGT and whether it provides a useful framework to guide the ongoing reforms in Ghana's fisheries sector. Participants were also invited to provide their views on the way forward, and to submit any final thoughts in writing.

Professor Aheto expressed strong support for the process and framework provided, given current challenges such as illegalities in the sector and issues of over-capacity. He observed that the VGGT could provide potential solutions and best practices, and place the issues into a broader perspective. He remarked that there had been attempts in the past to secure an Inter-Ministerial platform and that this process should be revisited, although there is a limited window of opportunity.

Professor Aheto further noted that the VGGT could not be implemented through the revision of the fisheries law alone, but would need to be considered in other legislation such as the Petroleum Exploration Act that excludes fishers from buffer zones. Likewise, the environmental impact assessment conducted by the EPA does not give due consideration to fisheries impacts as regards oil and gas. He recommended that discussions be opened up broadly to involve all stakeholders, and drew

attention to the Accra conference organised by UCC and the Centre for Coastal Management in September 2017 that resulted in a strong communiqué on fisheries issues, which included establishment of an inter-governmental agency.

Mr Gideon Abotsi from the NICFC emphasized the need to consider the inland sector and over-fishing by foreign interests at the expense of local people.

Mr Mamie advised on the need to work at different levels to form the institutional framework. Technical Committees could be formed at the national level and/or at regional level to draw a roadmap for VGGT implementation, with an inter-ministerial task force established in parallel.

Mrs Veronica Adigbo of the Attorney General's Department highlighted the need to include the Petroleum Commission in discussions and to find a way of working together in view of the overlapping interests.

Mr Mantey Mensah emphasised the Fisheries Commission's willingness to work towards co-management and the devolution of authority to the district level. Nana Solomon expressed the readiness of the GNCFC to work together with the FC in this regard. Dr Baio noted that there has to be a genuine willingness on the part of the Ministry and FC to engage at the local level.

Professor Patrick Agbesinyale of the Ministry of Lands and Natural Resources remarked that the discussions had reinforced a strong notion of the general indiscipline and impunity that has characterized Ghana's entire extractive sector, citing the examples of land grabs, illegal logging, mining and wildlife, and that something had to be done to address these issues.

Mr Maurice Knight highlighted the need to be practical, noting the limited window of opportunity to ensure important decisions are made. Mr Antoine Rougier of EJF responded that the meeting would be used as stepping stone, and that the list of participants from the meeting would be used as a way to continue the discussions.

Mr Van Der Knaap closed the meeting by reiterating the timeliness of the discussions in light of the legislative review process, and invited participants to submit one or two recommendations to the secretariat, that could feed into the FAO's legal assessment. These are summarized in **Appendix I**. He acknowledged the thousands of people that worked on the voluntary guidelines and the importance of building on what had already been achieved in this regard.

Next steps

The Far Dwuma Nkodo project partners, EJF and Hen Mpoano, welcome this meeting as a first opportunity to discuss the relevance of the VGGT and SSF Guidelines to the ongoing reforms taking place within Ghana's fisheries sector, and to introduce the legal assessment to be carried out by FAO to assess the alignment of Ghana's fisheries laws and policies with these Guidelines.

We recommend that this meeting be considered as a first step towards the integration of the core principles of the VGGT and SSF Guidelines into Ghana's law and policy framework pertaining to fisheries. We urge the Ministry to take due consideration of the findings and recommendations arising from the FAO's legal assessment, to ensure that Ghana's fisheries laws and policies align with international standards for the benefit of a more equitable and sustainable fisheries sector. We recommend that the findings of the assessment be discussed within a Technical Working Group comprising representatives from across stakeholder institutions, and a roadmap developed by the Working Group to secure implementation of the VGGT and SSF Guidelines in the context of Ghana's fisheries sector.

More broadly, we hope that the experience of analyzing Ghana's fisheries laws and policies for alignment with the Guidelines will provide valuable lessons and best practices for the responsible governance of tenure in other sectors, and specifically in relation to land and forestry resources as envisaged by the VGGT. This can pave the way for the establishment of an institutional framework for implementing the VGGT in Ghana, as has been accomplished in Sierra Leone, including an Inter-Ministerial Task Force to discuss cross-cutting/cross-sectorial issues of relevance to the governance of tenure of land, fisheries and forestry resources. This will require high-level political recognition of the relevance of the VGGT for the achievement of food security and Ghana's sustainable development objectives.

The Far Dwuma Nkodo project partners encourage the Ministry of Fisheries and Aquaculture Development to act as a champion within Government to promote the VGGT across sectors, and are ready to provide the necessary support in this regard.



Participants at the meeting

Appendix I

Draft list of recommendations submitted by participants

Spatial planning

1. Preparation of a spatial plan for the fishery sector to guide the use of space and ensure sanity in the industry.
2. Spatial planning should be considered in the policy document.

Landing sites and post-harvest issues

3. The post-harvest regulation should be taken care of in the Fisheries Act.
4. The beaches should be managed for the women fish processors.
5. All landing sites are places for fish processing e.g. smoking, and drying of nets should be well demarcated.

Institutional framework and cross-departmental engagement

6. Set up an inter-ministerial committee to advance the recommendations.
7. Set up an inter-ministerial committee to form the basis of VGGT implementation.
8. In future stakeholder meetings on fisheries, the Petroleum Commission, National Petroleum Authority and the Ministry of Energy should be invited.

Traditional authorities

9. Empower all chief fishermen.

Capacity building and stakeholder engagement

10. Promote research and capacity building for the VGGT process in Ghana.
11. Familiarise the VGGT framework broadly with all stakeholders.
12. The application of the tool for the VGGT assessment should be done together with consultation of the general public since VGGT is limited to identifying gaps in international and national policies.
13. Important to enshrine the VGGT principles in consultation with local existing practices.
14. Fish processors should be part of the advocacy programme.
15. More involvement of all stakeholders, especially the fisher folk in the making and implementation of fisheries laws and regulations.

Aquaculture

16. There should be a law on aquaculture development (fish farming) to prevent particularly expatriates from taking advantage of fish farming to be harvesting our fish instead.
17. The issue of competition for land between agriculture (other developmental initiatives) and aquaculture, as aquaculture expands and become profitable, should be considered in planning.

Appendix 2

List of participants

Name	Institution
Francis Kingsley Ato Cudjoe	Deputy Minister, Ministry of Fisheries and Aquaculture Development (MoFAD)
Michael Arthur-Dadzie	Director of Fisheries, Fisheries Commission
Rebecca Sackey-Mensah	Marine Fisheries Management Division, Fisheries Commission
Alex Sabah	Western Regional Director, Fisheries Commission
Papa Yaw Atobrah	Fisheries Commission
Emmanuel Mantey Mensah	Chairman of the Board, Fisheries Commission
Grace Tei	MoFAD
Karimatu Anas	Public Relations Office, MoFAD
Veronica Adigbo	Senior State Attorney, Ministry of Justice and Attorney General's Department
Patrick Agbesinyale	Acting Chief Director, Ministry of Land and Natural Resources
Peace D. G. Kove	Environmental Protection Agency
Eugene Nyansafo	Land Use and Spatial Planning Authority (LUSPA)
Frank Matey Korli	Director, Central Region, LUSPA
Isaac Affum	Director, Western Region, LUSPA
Alexander Okantey	District Assembly - Ada East
Nene Atsu Pediator IV	Representative of the Paramount Chief, Ada East
Nana Jojo Solomon	Acting Chairman, Ghana National Canoe Fishermen Council (GNCFC)
Nene Divine Obobuafo	GNCFC
Nene Siaw	GNCFC
Nana Adam Eduafo	GNCFC
Evans Nii Tackie-Annan	GNCFC
Jacob Tetteh Ageke	Chairman, National Inland Canoe Fishermen Council (NICFC)
Gideon Abotsi	NICFC
Gilbert Sam	Ghana Industrial Trawlers Association (GITA)
Emelia Abaka-Edu	Vice President, National Fish Processors & Traders Association (NAFPTA)
Rebecca Eshun	NAFPTA
Antoine Rougier	Ghana Country Coordinator, Environmental Justice Foundation (EJF)
Victoria Mundy	West Africa Programme Researcher, EJF
Charles Smith	Communications Officer, EJF
Edna Quansah	Programme Officer, EJF
Elsie Debrah	Programme Officer, EJF
Samuel Bortsie	Finance Officer, EJF
Kofi Agbogah	Director, Hen Mpoano
Balartey Gormey	Senior Program Officer, Hen Mpoano
Kwame Mensah	Coordinator of Far Ban Bo project, CARE International
Kyei Kwadwo Yamoah	Programs Manager, Friends of the Nation
Naana Nkansah Agyekum	Communications and Advocacy Officer, Oxfam
Ellen Sedziafa	CARE International
Gerald Tetteh-Ashong	CARE International
Michael Takyi	Central and Western Fishmongers Improvement Association (CEWEFIA)
Hannah Antwi	CEWEFIA
Lydia Sasu	Executive Director, Development Action Association (DAA)
Grace Bordzie	DAA
Grace Quaye	DAA
Noble Wadzah	OilWatch Ghana

Name	Institution
Remy Kaller	Independent researcher
Callum Nolan	PhD candidate, Reading University
George Darpaah	Department of Fisheries and Aquatic Sciences, University of Cape Coast (UCC)
Denis Aheto	Centre for Coastal Management, UCC
Josephus Mamie	Ministry of Fisheries and Marine Resources, Sierra Leone
Andrew Baio	Fisheries and Marine Training Institute, University of Sierra Leone
Wordsworth Odame Larbi	EU Transversal Project Coordinator, UN Food and Agriculture Organization (FAO)
Sisay Yashenaw	Legal Specialist, FAO Legal Office
Adebe Haile-Gabriel	Country Director, FAO Ghana
Martin Van Der Knaap	Fishery and Aquaculture Officer, FAO Ghana
Ndiaga Gueye	Fisheries Officer, FAO Ghana
Dismas Mbabazi	Fisheries Officer, FAO Ghana
Grace Charway	Fisheries Officer, FAO Ghana
Christopher Ackon	Programme Officer, EU Delegation in Ghana
Maurice Knight	Chief of Party, USAID-Sustainable Fisheries Management Project (SFMP)
Ellis Ekekpi	USAID
Samuel Asante	Joy News
Samuel Atoo	Joy News
Bernard Ato Arthur	UTV
Eric Sam	UTV
Abigail Annoh	Ghanaian Times
Michael Aryee	Ghanaian Times
Gabriel Ahiobo	Graphic