

Hɛn Mpoano Policy Brief Series

Integrating Policy Compliance with Effective Enforcement of Fisheries Regulations

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Coastal Resources Center, University of Rhode Island



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Integrating Voluntary Compliance with the Effective Enforcement of Fishery Regulations

Issue Brief 3
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Hen Mpoano

*Our coast
Our future !*

SUMMARY

THIS BRIEF EXAMINES THE IMPERATIVE OF INTEGRATING VOLUNTARY COMPLIANCE WITH EFFECTIVE ENFORCEMENT OF FISHERY REGULATIONS TO REBUILD GHANA'S SEVERELY OVER EXPLOITED FISHERIES. AROUND THE WORLD, EXPERIENCE HAS SHOWN THAT COERCIVE ENFORCEMENT ALONE WILL NOT PRODUCE THE EFFECTIVE IMPLEMENTATION OF FISHERIES REGULATIONS. THE ENABLING CONDITIONS NECESSARY FOR THE IMPLEMENTATION OF FISHERY REFORMS MUST FIRST BE CREATED AND THEY ARE NOT YET PRESENT IN GHANA.

REBUILDING GHANA'S FISHERY RESOURCES

The major stocks that for centuries have sustained Ghana's fisheries are severely over-exploited and threatened with collapse.

Both fishers' and national records confirm that current catches of the critically important 'small pelagic' group of fishes (sardines, mackerels, and anchovies) have been dramatically reduced by sustained over fishing. Efforts to land ever smaller annual harvests have been intensifying as three fishing fleets – the sea-going canoes, the semi-industrials and the industrials – compete with each other to catch fewer and fewer fish. There is much at stake since the protein provided by fish is critical to the health of Ghana's population. Additionally, the economies of hundreds of coastal communities rely on fishing and fish processing. Marine fisheries make an important contribution to the national economy.

Ghana's government, with the support of international institutions, has responded to this crisis by engaging in a protracted process of analysis, planning, and policy making that produced the Fisheries Act in 2001 and a National Fisheries and Aquaculture Policy and Sector Development Plan in 2008. Revised regulations governing fisheries management were endorsed by parliament in 2010 and began to be implemented in 2011. These reforms were designed to increase the share of the catch taken by the canoes while maintaining total catch levels. Unfortunately, enforcement of the new rules has produced widespread confusion, anger, and in some instances, violent conflict.

Because there has long been a lack of enforcement and limited compliance with national fisheries regulations, Ghanaian fishers have low expectations for real change. Trawlers frequently operate in the inshore zone reserved

for non-industrial vessels, and illegal light fishing is widely practiced. Several particularly damaging methods have become widespread, such as fishing with dynamite and poisons, as well using gill nets with meshes smaller than permitted.

WHY DO SOME FISHERS BREAK THE RULES?

In every fishing industry, there are those who are tempted to break

the rules. Research in many countries has shown that fishers decide whether to comply with a rule or regulation by weighing four factors:

- What will be gained from violating the rules?
- What is the size and severity of the expected penalty?
- Are the rules and their enforcement perceived to be fair and just?
- What are the social rewards and punishments exerted by a fisher's peer group and community?

Compliance with fisheries rules and regulations will be low when breaking the rules is profitable and when the punishments applied do not deter the behavior. In such situations individuals who would otherwise wish to conform to the rules conclude that such conformance is foolish when "everyone else is breaking the rules". This has been the situation in Ghana's marine fisheries over the past several decades. Breaking this well established pattern is a major challenge that requires a carefully designed set of strategies to increase voluntary compliance while improving the fairness and effectiveness of coercive strategies by apprehending those who violate the rules in an even handed manner and punishing offenders appropriately.



THE ENABLING CONDITIONS FOR SUCCESSFUL IMPLEMENTATION OF FISHERY REFORMS

Experience worldwide has demonstrated repeatedly that the successful implementation of a fisheries policy that calls for major changes in the behavior of thousands of fishers – many of whom are living in poverty - requires the following enabling conditions.

CLEARLY DEFINED ISSUES.

There must be a foundation of understanding among the managers, the fishers and the enforcers concerning the major problems, opportunities, and their potential solutions. A decade ago, at the national scale, the process of formulating the Fisheries and Aquaculture Sector Development Plan drew together leaders from the canoe, semi-industrial and industrial fleets to discuss fisheries issues and management goals. At that time there was a remarkable degree of agreement that actions needed to be taken. Regrettably, this promising dialogue has not been sustained. The results that the regulations are designed to achieve must be understood and actively supported by a critical mass of those who will be affected. Stakeholders in the fishing sector in the Western Region, including several chief fishermen, are asking, “What are the goals of fisheries management?” “What social and ecological outcomes does the government want to achieve with its new regulations?” These questions require clear answers. Sadly, since management and new regulatory goals are less than clear to most fishers, there has been little support. Many fishers

in the Western Region believe that governmental agencies do not appreciate the social and economic impacts of enforcing fisheries regulations. If this perception becomes entrenched it will make the task of building a constituency more difficult and could drive a wedge between the national fisheries program and the fishers.

GOVERNMENT MUST ASSEMBLE LONG-TERM LEGAL AND FINANCIAL RESOURCES TO IMPLEMENT THE NEW POLICIES AND REGULATIONS.

The World Bank and other international institutions have helped frame the reforms and are committed to funding the transition to their effective implementation. However, the authority of fishery management remains centralized. Regional and local stakeholders have not been given roles





and responsibilities and there is no legal mandate for community based fisheries management.

THE CAPACITY TO EFFECTIVELY IMPLEMENT AND ENFORCE THE FISHERIES REFORMS MUST BE IN PLACE.

Implementing the program successfully requires the competent conduct of a diversity of activities that feature sustained dialog with fishermen as well as dissemination and refinement of

the goals of the fisheries program and its regulations. Enforcement must be evenhanded. The behavior of enforcement officers influences a fisher's willingness to comply. When law enforcement officers treat fishermen with respect, fishers tend to perceive the system positively which increases the likelihood that they and others will respect the regulations. Enforcement is uneven when some have gear confiscated while others do not, and when fishers are mistreated. In those situations willingness to comply

erodes. Punishments need to fit the crime. This warrants graduated sanctions so that more serious offences are more severely punished. In order to achieve a more just adherence to the rules, the judiciary needs to thoroughly understand the fishery regulations and to be aware of the implications of different scales and types of violations. Communication strategies must become a centerpiece of enforcement policy.



A WAY FORWARD

Ghana's transition to effective implementation of its new fisheries rules will not be achieved in a single step but will require an incremental process in which the lines of communication between the managers, the fishers and the enforcers remain open and all those involved adapt as experience is gained and trust and respect among the parties is built. The following are actions that should be taken to build upon ongoing efforts in the Western Region designed to encourage both voluntary compliance and the effective enforcement of fisheries regulations in the Western Region.

1. Sustain and expand the dialogue on fisheries issues and management goals that brings together representatives of the Fisheries Commission and fisheries organizations, and which involves fishing communities. Such discussions are occurring in the coastal districts of the Western Region, and at the regional level within the Western Region Fisheries Working Group sponsored by the Hen Mpoano project. Similar discussions are needed in other coastal regions and at the national level.

2. Establish a formal legal mandate that provides a role for community-based management in the future regulation of marine fisheries. The Fisheries Commission and those contributing to the enforcement of fisheries regulations should explore the mechanisms by which fishing communities could be provided with the authority to play specified roles in support of effective fisheries management.

3. Continue the training of fisheries enforcement officers in the newly created Marine Police Department in the Western Region and expand such training into other coastal regions. This training will introduce methods for promoting voluntary compliance and carrying out enforcement actions in an effective and professional manner at fisheries landing sites and at sea.

4. A Western Region Fisheries Enforcement Coordination Unit should be established to bring together Navy, Air Force and Police units involved in supporting the Fisheries Commission with enforcement of fisheries regulations. Such an initiative requires a mandate from the Fisheries Commission that specifies the objectives and roles for the Unit.

5. Extend the successful prosecution chain experiences from the Western Region to other coastal regions. Sustain the ongoing training of prosecutors and judges in the ecological and social importance of fisheries laws. Such training calls for improving the preparation of cases going to court through better evidence collection, and documentation, as well as increased coordination among the enforcement agencies. Ban the importation and/or sale of small mesh sized monofilament nets as a strategy for reducing their use.

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