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SUSTAINABLE FISHERIES MANAGEMENT PROJECT (SFMP)

Baseline of Fisheries Prosecutions in the Western and Eastern Commands



Hɛn Mpoano



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ACRONYMS

CEDECOM	Central Region Development Commission
CEWEFIA	Central and Western Region Fishmongers Improvement Association
CLaT	Child Labour and Trafficking
DAA	Development Action Association
DSW	Department of Social Welfare
FoN	Friends of Nation
SFMP	Sustainable Fisheries Management Program
SNV	Netherlands Development Organization
USAID	United States Agency for International Development
WFCL	Worst Forms of Child Labour

TABLE OF CONTENTS

Acronyms.....	iii
Introduction.....	1
Methodology.....	1
Findings.....	1

LIST OF TABLES

Table 1 Summary of arrests and arbitrated cases in 2014	2
Table 2 Completed prosecuted cases	3
Table 3 Cases yet to be presented in court.....	4

INTRODUCTION

Toward addressing law enforcement and the IUU fishing in Central Region (C/R), baseline information was gathered on prosecution and arbitration of fisheries cases in the C/R. This activity was conducted as a sub activity under activity 1.3 Strengthen Law enforcement under the year 1 work plan of SFMP.

METHODOLOGY

To better understand the fisheries prosecution process in C/R, The baseline employed the use of qualitative methodology through a one-on-one interactions with enforcement and prosecution agencies both in C/R and W/R. Including; the State Principal Attorney W/R, Fisheries Enforcement Unit-Western Region, Fisheries Commission both Western and Central Region (see key contact list attached). Police records at these areas were consulted to have information on details of prosecution within the time review.

FINDINGS

Initial Information from the interactions revealed that all of the prosecutions of fisheries cases were done in Western Region as there are no designated Courts in C/R for fisheries Cases. Some of the cases were settled out-of-court and the agreed fines were fully paid by the offenders (see attached table 1). The baseline also reveals that arrest for all the cases were made by officers from the W/R as there are no stationed arresting officers in C/R. Also most of the offenses were light fishing and illegal transshipment.

Discussions with the head of the Fisheries Enforcement Unit (FUE), revealed that Illegal fishing in C/R is very intensive especially illegal transshipment, light fishing, small mesh size nets and other IUU practices. He also indicated that there was the need for intensive education on the ecological justification of the fisheries laws for fishers in C/R to appreciate and comply with the fisheries laws.

The Head of the C/R Fisheries Commission also advised that there is the need to establish an FUE base in Central Region to support the Commission to embark on regular patrols and beach combing to arrest the rampant illegal fishing activities in the Region.

The Police Prosecutors contacted in the C/R indicated that they lack the knowledge of fisheries offenses and are therefore not able to conduct effective arrest and or prepare proper dockets for fisheries cases for successful prosecution in C/R.

The W/R State Principal Attorney also indicated that the capacity of prosecutors in C/R were weak and required capacity strengthening through orientation training and information updating on fisheries offense.

Table 1 Summary of arrests and arbitrated cases in 2014

DATE OF ARBITRATION	VESSEL NAME	TYPE OF VESSEL	DATE OF ARREST	OFFENSE	SETTLEMENT PROCEDURE	AMOUNT IN FINES IMPOSED	REMARKS
Feb, 2014	Aka Ewie	Canoe	21 st Dec, 2013	Unauthorized transshipment	Out-of-Court	GH¢17,200.00	Settled Fine paid in full
13 th June, 2014	Ketewa bia nsua,	Canoe	16 th May, 2014	Unauthorized Transshipment	Out-of-court	GH¢ 15,000.00	Settled Fine paid in full
13 th June, 2014	Ewieye ne asem,	Canoe	17 th May, 2014	Unauthorized Transshipment	Out-of-court	GH¢ 10,000.00	Settled Fine paid in full
13 th June, 2014	Miracle malor	Canoe	19 th May, 2014	Unauthorized Transshipment	Out-of-court	GH¢ 10,350.00	Settled Fine paid in full
17 th July, 2014	Nyame Ye Kese	Canoe	26 th June, 2014	Unauthorized Transshipment	Out-of-court	GH¢ 12,360.00	Settled Fine paid in full

Table 2 Completed prosecuted cases

NO	NAME ACCUSED	NAME OF VESSEL	OFFENCE	OUTCOME OF PROSECUTION	SENTENCE OR ORER
1.	KOJO NTIWAH	Nyame Ne MeBoafo	Light fishing	Convicted	Fined, 100 penalty units, lights & generators confiscated
2.	GEORGE THOMPSON KWESI ESSUMAN	Nyame na ohwe nyimpa	Light fishing	Convicted	Fined 100 penalty units lights & generators confiscated
3.	KWESI ENTISIL NANA BADU	Nyame Tease	Light fishing	Convicted	As above
4.	KWAKU SALO				
5.	BENJAMIN OBENG	Nyame Bekyere	Light fishing	Convicted	As above
6.	KWABENA	Nyame na ahwe Nyimpa	Light fishing	Convicted	100 penalty units Generators & lights forfeited
7.	JOHN MENSAH	Aseda Nka Nyame			
8.	JAMES OTOO	(STC)	Light fishing	Convicted	50 penalty units or in default 2yrs I. H. L Generators, bulbs & lights forfeited to state
9.	KWAME TETTEH	Aseda Nka Nyame (Victory)	Light fishing	Convicted	50 penalty units or in default 2yrs I.H. L Generators, bulbs & lights forfeited to state
10.	PAPA ADAM	Shamo Quaye	Light fishing	Convicted	50 penalty units or default 2yrs I.H.L. Generators, bulbs & lights forfeited to State.
11.	KOFI KUM				
12.	KWEKU AMARTEY	Nana Lawyer Kasa	Light fishing	Convicted	50 penalty units or default 2yrs I.H.L Generators, bulbs &lights forfeited to state
13.	KWAME HAMID				

Table 3 Cases yet to be presented in court

NO	NAME OF ACCUSED	NAME OF VESSELS	OFFENCE
1.	KOBINA APAA	Nana Daduwa	Lighting Fishing
2.	SAMUEL ESSUMAN & 5 ORS.	Nyame tumi Saudi Arabia Saboo	Light Fishing
3.	KWESI ATTA & 3 ORS.	All is Good Sea Never Dry	Lighting Fishing
4.	KOFI ABAKA & 5 ORS.	Nothing Late Nyomo woko Nyame na ohyira Nyimpa	Lighting Fishing
5.	MOHAMMED KWOFIE & 1 OR.	1 Vessel	