

# MARINE FISHERIES ACCESS RIGHTS

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**UNIVERSITY OF GHANA**

# Objective

Understand Issues, Challenges, and Potential solutions with respect to Access rights in marine fisheries in Africa



# Outline

- Characterisation and Organisation of Marine fisheries
- Marine Environment – seas, estuaries, lagoons
- Access Rights
- Issues
- Challenges
- Solutions and Potential solutions
- Discussion questions



# Introduction

Similar:

- Fisheries resources – fin- and shellfish
- Fishing crafts
- Fishing gear and methods
- Organisations and Institutions
- Issues
- Challenges
- Management







# Beach at Bagamoyo, Tanzania



# Introduction


**SSF has evolved into a vibrant industry with a mix of improved traditional (unsophisticated) and modern gears / fleets.**

- **Enormous and diverse fisheries and ocean resources of the Atlantic and Indian oceans**

**Artisanal fisheries in Africa are seriously challenged by:**

- **Over-dependence on fishing**
- **Increasing IUU**
- **Expansionary policy measures by governments.**

# Assets in SS fishing communities

- Physical
  - Natural
  - Social
  - Political
  - Financial
- 





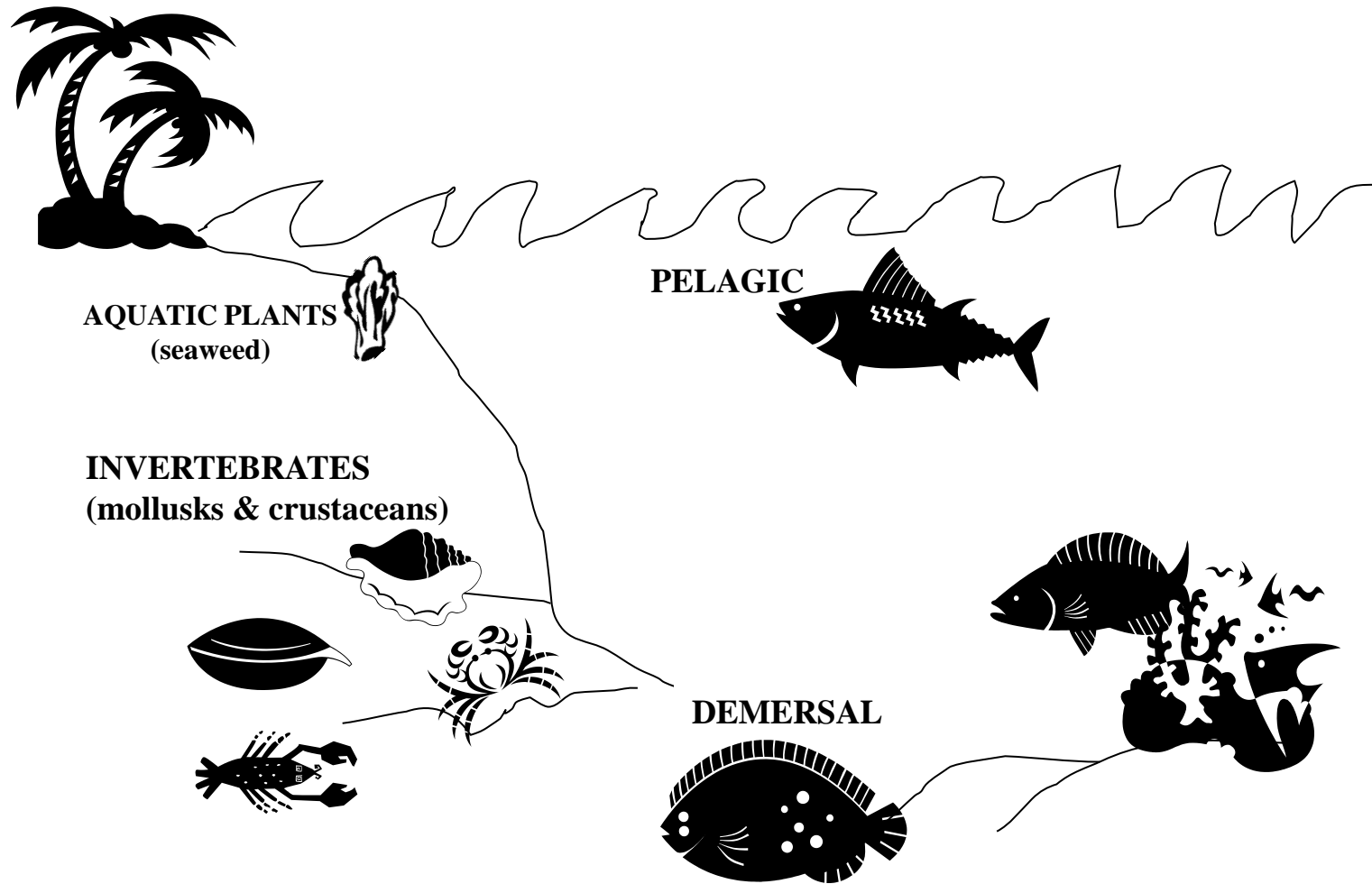
# Expected Outcome

**Reverse adverse impacts of bad fishing practices**

**Improve economic benefits from fishing and actions to increase access**

- **Ensure sustainability of the fisheries and communities dependent on them.**

# Variety of Fish and Aquatic Products







# The fish

- Transboundary
- Shared by two or more countries
- Distribution varies for different stocks
- Food and nutritional security



- Role in livelihoods of the people – women, indigenous and marginalized populations





# Marine fishery fleet: Artisanal, Inshore, Industrial





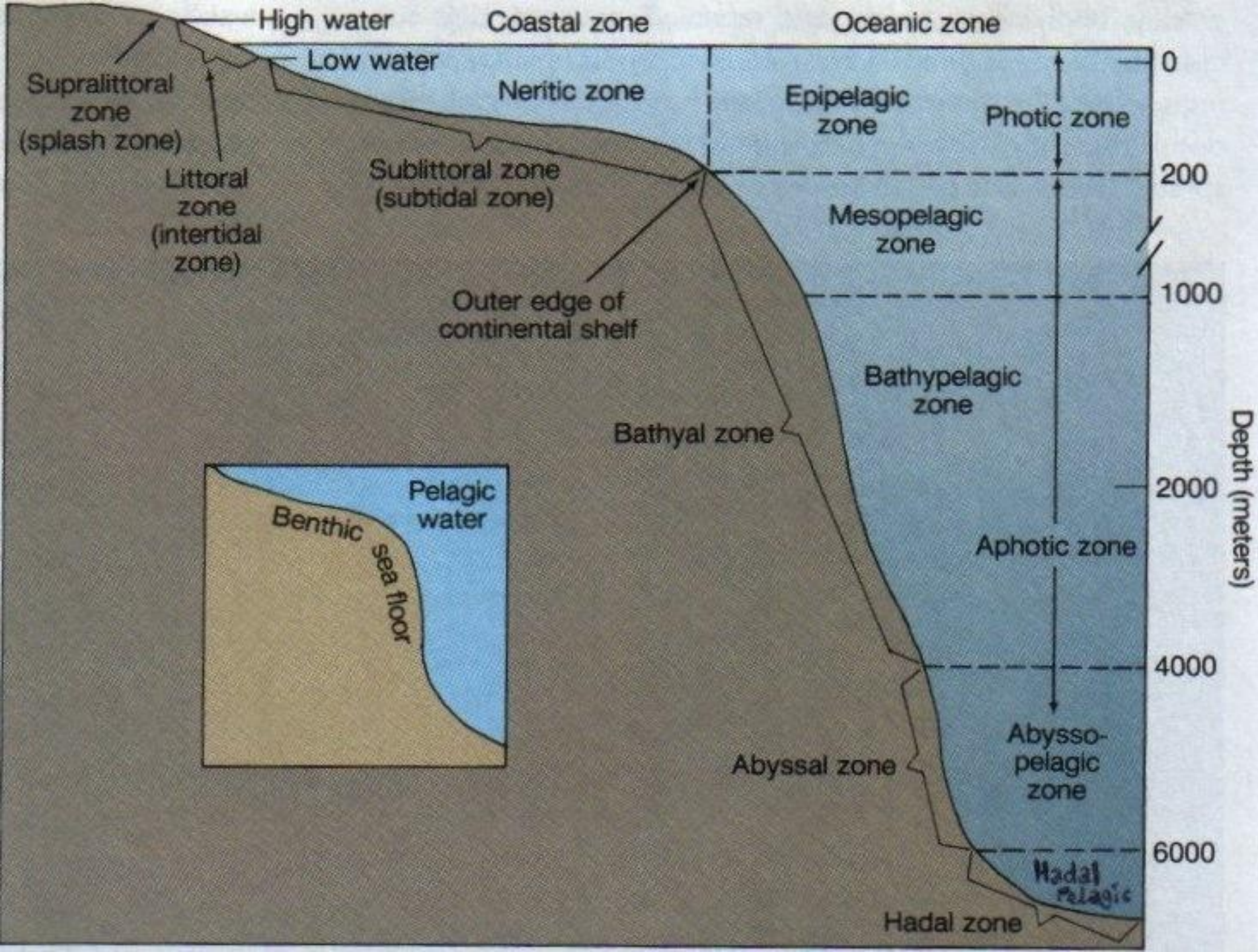
# The social organisation of small-scale fishers

- ✓ A way of life- born into it, especially along the coast
- ✓ Perceived as low class/last resort profession
- ✓ Catch may be seasonal but still a source of livelihood
- ✓ Inter-generational transfer of knowledge and skills
- ✓ Early entry, partly based on kin membership
- ✓ High degrees of gender segregation in tasks
- ✓ Fishing integrated into local leadership structure
- ✓ Limited sense of property rights
- ✓ Limited regulation through religion and taboo
- ✓ Canoe/gear owners are social security providers.

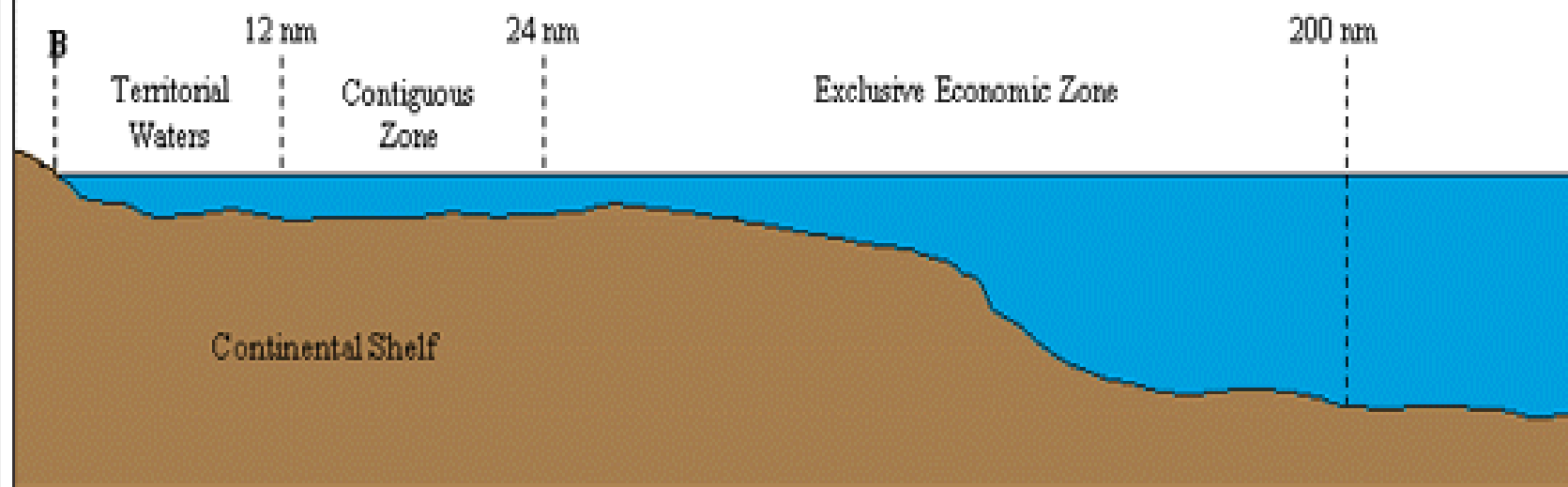






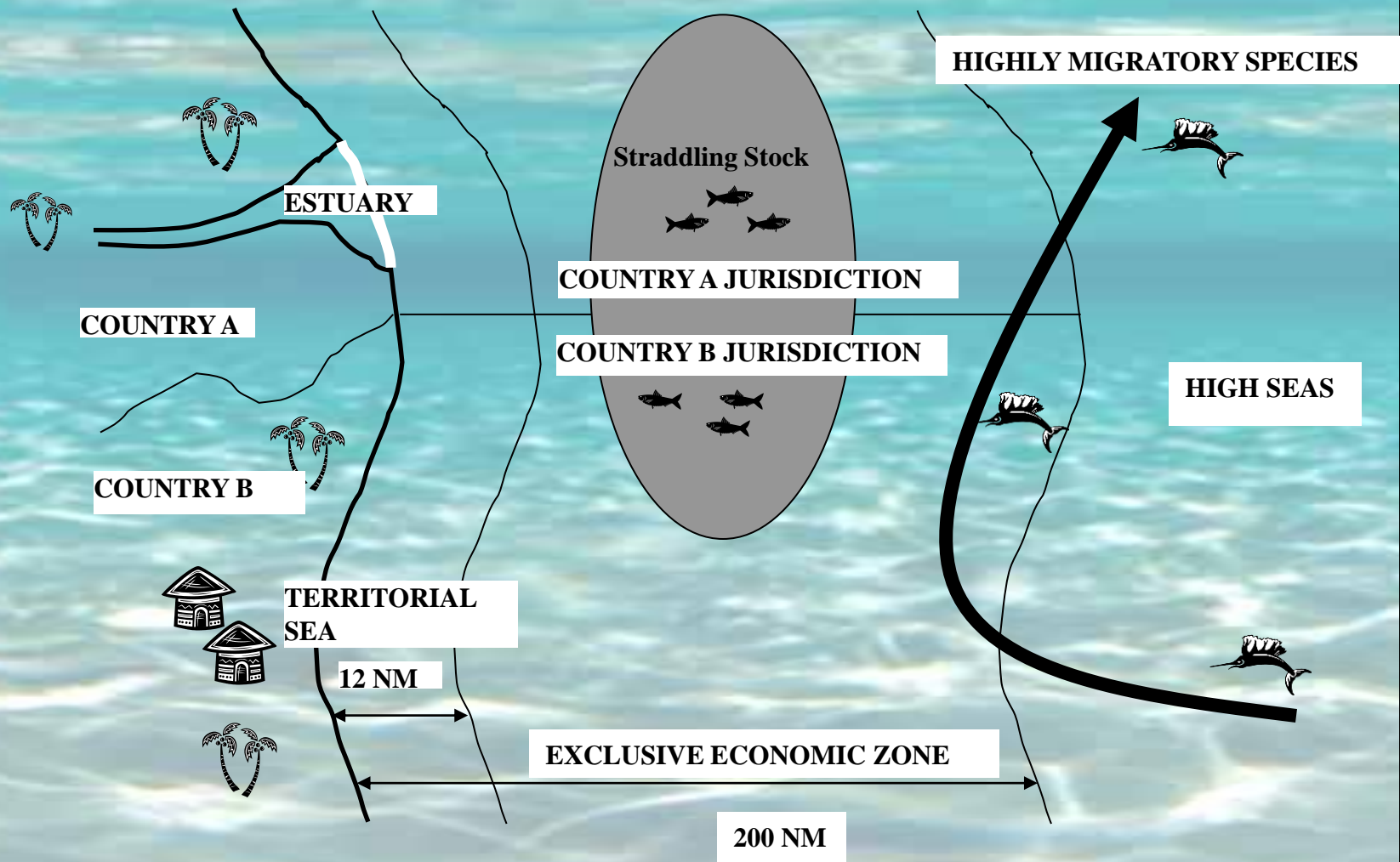


## Zones of National Jurisdiction 1982 Law of the Sea Convention





# Marine Jurisdiction



# Fisheries Decline and Degradation

- Poor catches
- High quantities of discarded fish
- Low catch rates i.e. low CPUE
- Small sizes of landed fish
- Extinction of some fish species
- Habitat degradation e.g. plastic pollution, tainted fish
- Low profits
- High cost of fishing inputs





# Access and Access Rights

- Access = ability to derive benefits from resources
- Ability to harvest and benefit from fish resources
- SSF depends on the availability and access to resources and access rights (entrance, harvesting, transferability, security, and protection)







# Introduction

- Global market in access rights: laws of demand and supply operate
- Demand for access rights: '**Access demandeurs**'
- Supply of Access rights – Coastal states have commercially viable fishing grounds in their EEZs or adjacent high seas.
- Then comes **UNCLOS** to help regulate
- CS go into agreements (Could be Regional agreements)



# Some International instruments for managing fisheries

- 1958 High Seas Convention, (Freedom of High Seas)
- 1982 UNCLOS
- 1992 Convention on Biological Diversity (CBD)
- 1992 UN Framework Convention on Climate Change
- 1995 The UN Fish Stocks Agreement (UNSFA)
- 1995 FAO Code of Conduct for Responsible Fisheries
- 1997 Kyoto Protocol (International Treaty)
- 2001 International Plan of Action to Combat IUU, Seabirds, Sharks
- 2003 FAO Compliance Agreement
- 2004 FAO Port State Measures Arrangement
  
- RFMOs
- FAO Technical Guidelines; Voluntary Guidelines

# FISHERIES AGREEMENTS

- Normally between ACP countries and EU
- The Community (EU) has different types of agreements with partner countries.
- The nature of the individual agreements is supposed to reflect the objectives and economic interest of the respective parties e.g.,
  - Each of these agreements has its own rationale related to historic fishing patterns and arrangements
    - the state of development of the partner countries' fisheries sector
    - the presence of common fish stocks in the fishing zones of the Community and the third country
- The agreements with ACP, including West African countries, are based on access to resources for Community vessels in exchange for financial compensation.
- Community's first agreement was signed with Senegal in 1979





# AGREEMENTS AND ACCESS AUTHORISATIONS

1. State-to-state bilateral agreement
2. State-Industry bilateral agreement
3. Regional agreement containing harmonized access conditions
4. Joint-ventures with local companies
5. Direct fishing by foreign fleet under license
6. Operation as foreign owned company within a quota management system (QMS)
7. Establishment of local company
8. Local agent
9. Chartering of foreign fishing vessels
10. Access authorization for mobile small-scale / artisanal fleet from adjacent state?



# STAKEHOLDERS IN ACCESS AGREEMENTS

- CS government and agencies
- Distant water fishing state government (EU and EU institutions)
- Port state government
- States in which transshipment of product take place either on land or on sea
- Market state for the product
- State typically supplying seagoing personnel and fishing crew
- Sectors and regions dependent on fishing activities in developed and developing countries
- Relevant international organisations and RFMOs
- Harvesting, vessel owners and associated economic operators
- Captains, Officers and Crew
- Observers
- Local fleet and other economic operators competing for resources with foreign fleets under access arrangements
- Processing companies (Transnational and local)
- NGOs (T and L)
- Retail Enterprises
- Impacted Fishing communities in CS
- Final Consumers



# Mechanisms of Access

- Wealth
- Legal framework
- Institutions
- Social relations
- Power
- Political influence
- Technology
- Infrastructure
- Fishing inputs
- Property rights
- Support from government e.g. subsidies
- Getting good price for fish
- Participation in data collection
- Participation in enforcement
- Participation in management decisions



# Challenges to Access Rights

- IUU fishing in the EEZ
- Poor enforcement of legislation
- Institutional and governance challenges
- Environmental laws and policies do not meet current challenges
- Sea Piracy and maritime insecurity
- Conflicts among fishers
- Illegal drug trafficking
- Child labour
- Pollution
- Discarding of single-use plastics
- Oil and gas exploration and production
- Ports and shipping
- Tourism



# Challenges to Access Rights

- Migration
- Technology
- Infrastructure
- Fishing inputs
- Role of fisheries organisations and Associations
- Capacity building at all levels
- Social protection
- Equity in resource use
- Human rights of fishers
- Ports and shipping - transportation
- Tourism
- Translation of the VG into local languages



# Potential Solutions to Access Rights Issues

- African Common Fisheries Policy
- Blue Economy Strategy
- African International Maritime Strategy
- Agenda 2063
- Lome Charter 2016
- SDG 14
- Effective RFMOs e.g. FCWC
- Ocean Stewardship e.g. MSC approach
- Sustainable seafood management
- Improved coastal state collaboration
- Co-management
- Harmonisation of MCS across the region





# Fish marketing – role of women







TOGO

# Modernisation / Innovation and Wealth Creation in WA SSF – way to go

- Continuous Education and Engagement of all relevant stakeholders
- Innovation of new gears and technology
- Commercialisation and value addition
- Evolution of new fish products
- Targeted subsidies to promote compliance: incentivisation
- Improved port infrastructure
- Accelerate aquaculture development
- Improved fisheries governance including monitoring and law enforcement
- Improved port infrastructure
- Reduce IUU implying improved monitoring of fisheries
- Improved research support



# ACCESS AGREEMENTS AND INTERNATIONAL LAW

- Access negotiations are necessary because CS have the power under current international law to prevent other states from fishing in their EEZ
- It is only after access negotiations have been completed that fishing states and their fleets have the right to enter the coastal state EEZ
- To govern the relationship between the CS and the different types of Access Demandeurs, there are now many types of access authorisations
- AA are in reality only one of a number of different types of access authorizations.
- BOTH CS and Access demandeurs have obligations to conserve fish stocks and to engage in responsible fishing and responsible management





# Questions



**THANK YOU FOR THE ATTENTION!!!**



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