



ON THE PRECIPICE:

Crime and corruption in Ghana's Chinese-owned trawler fleet



Protecting People and Planet

A report by the Environmental Justice Foundation



Protecting People and Planet

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Our work to secure environmental justice aims to protect our global climate, ocean, forests and wildlife and defend basic human rights.

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To protect the marine environment, its biodiversity and the livelihoods dependent on it.

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Abbreviations and translations

- » AIS: Automatic Identification Systems
- » CHRAJ: Commission on Human Rights and Administrative Justice
- » DWF: Distant Water Fleet
- » EEZ: Exclusive Economic Zone
- » EU: European Union
- » FAO: Food and Agricultural Organisation of the United Nations
- » GITA: Ghana Industrial Trawlers Association
- » GPHA: Ghana Ports and Harbours Authority
- » IEZ: Inshore Exclusion Zone
- » ILO: International Labour Organization
- » IMO: International Maritime Organization
- » MARA: [Chinese] Ministry of Agriculture and Rural Affairs
- » MCS: Monitoring, Control and Surveillance
- » NGO: Non-Governmental Organisation
- » IUU: Illegal, Unreported, and Unregulated [fishing]
- » MoFAD: Ghanaian Ministry of Fisheries and Aquaculture Development
- » NUSPAW: National Union of Seamen, Ports and Allied Workers
- » VMS: Vessel Monitoring System



Executive Summary

Small-scale marine fishing in Ghana is an integral part of the country's economy, supporting as many as 3 million people across over 200 coastal fishing communities. However, these livelihoods are now in peril, with drastic declines observed in many fish populations. These have particularly affected small pelagic species such as sardinella, known as the 'people's fish' due to their local importance.

These declines are in large part a result of overfishing and illegal, unreported and unregulated (IUU) fishing by the industrial trawl sector. The most environmentally destructive form of IUU fishing in Ghanaian waters is the 'saiko' trade. Saiko has commonly involved trawlers illegally targeting small pelagic species and selling them at sea on an industrial scale to specially adapted canoes, with catastrophic consequences for fish populations. Following government action to halt the illegal trade in saiko fish at sea in September 2021, all indicators appear to show that the illicit industry in its common form had indeed stopped. However, the trade has simply transformed, and grown more brazen – with 'saiko' fish now placed into cartons and sold in large volumes directly at the industrial port of Tema, before being transported to communities across the country.

Despite flying the flag of Ghana, EJF believes at least 90% of the industrial vessels involved in these illegal practices are owned by large Chinese corporations¹ - meaning much of the proceeds travel outside of the country and offer little or no benefit for the Ghanaian public. The Chinese Distant Water Fleet (DWF) is by far the world's largest in terms of size, power and geographical scope². The findings of a recent report by EJF³ indicate that it is also host to a litany of illegal fishing offences and egregious human rights abuses across the globe, especially in West Africa.

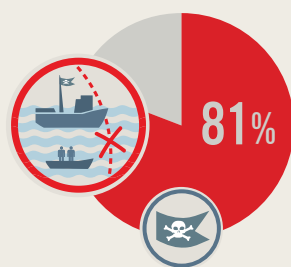
Following a year-long investigation, this report provides a comprehensive insight into IUU fishing and human rights abuses by the Chinese DWF in Ghana, paying especially close attention to the changing dynamics within the saiko industry. Beyond developing a picture of the size, scale and nature of these abuses, the report also looks at the various enablers both on and offshore that have facilitated the ongoing flouting of fisheries laws and regulations. The common thread that runs through these enablers, it is suggested, is a culture of corruption in which bribery and intimidation pervades all levels of fisheries management in the country – thriving in the opacity of the industry more broadly.

The findings are primarily informed by 36 interviews with crew members who worked on one or more Ghanaian-flagged industrial trawl vessels between July 2021 and June 2022. In addition to this, EJF investigators spoke to a range of other stakeholders ($n=15$), including fisheries observers, crew who had worked on other industrial fleets (including tuna pole and line and tuna purse seiners), canoe fishers, fish processors, government officials and local civil society groups. Extensive filmed evidence was gathered from key sites such as on board trawl vessels, industrial fishing ports and small-scale fishing communities. This was supplemented by a comprehensive literature review and analysis of legal documents, as well as the use of vessel monitoring programmes to track vessel activity and triangulate information provided by informants.

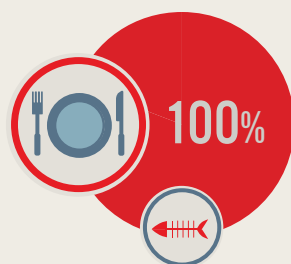


Key findings

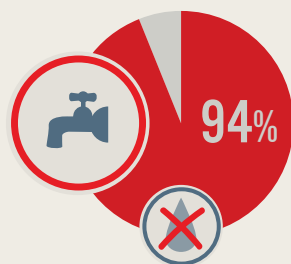
- Illegal fishing remains commonplace on board industrial trawlers in Ghana. Almost all crew members interviewed (92%) had witnessed the dumping of commercially undesirable fish overboard, 81% had witnessed their vessel fish illegally in the Inshore Exclusion Zone (IEZ) reserved for canoe fishers, 64% stated that they had deliberately targeted juvenile and small-pelagic species in breach of licence conditions and 53% had seen the deliberate adaptation of mesh sizes to reduce the selectivity of catch.
- Human rights abuses are also extremely prevalent. Of those interviewed, 100% reported that they had insufficient access to nutritional food, and 94% did not have access to potable water, or water for bathing. Verbal and physical abuse were commonplace (94% and 81% respectively) and 97% reported that they would often work in excess of 14 hours per day.
- The illegal capture and sale of undersized and non-target species, including small pelagic species, dubbed 'the people's fish' due to their importance to local communities, continues in the country despite government action to halt the illegal trade in saiko fish at sea in September 2021. Vessels now place frozen blocks of fish in cardboard cartons and sell them at the main industrial port of Tema – in plain sight of port authorities.
- Despite there being a 15% by-catch allowance written into licences until September 2022, interviews with crew suggest that it was commonplace for at least 50% of catch to be undersized and/or non-target species.
- Corruption is alleged to be rife in the Ghanaian trawl sector, allowing IUU fishing and human rights abuses to continue unabated. 86% of those interviewed have witnessed corruption at some level of fisheries enforcement (either committed by observers, port authorities or navy). The main 'currency' of corruption in the sector is boxes of high-value demersal species, that are supplied to the authorities in order to ensure that illegalities are not reported, and vessels not sanctioned.
- According to crew testimony, the local Ghanaian licence holders – collectively represented by the Ghana Industrial Trawlers Association (GITA) – fail to protect the crew that they place on board the vessels when they are told about illegalities. A number of interviewees claimed that they are not comfortable reporting issues to GITA as they fear being fired, or having wages docked.



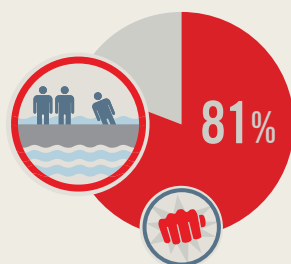
had witnessed their vessel fish illegally in the Inshore Exclusion Zone (IEZ) reserved for canoe fishers



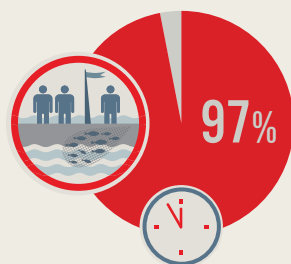
reported that the food onboard was inadequate



had restricted access to clean water



had witnessed or experienced physical violence



reported that they would often work in excess of over 14 hours per day



Introduction

Marine fishing has for centuries been an intrinsic part of the life and culture of over 200 coastal communities in Ghana, providing a reliable source of livelihood and nutrition for populations who have increasingly found themselves subject to economic and political marginalisation.⁴ Today in Ghana, it is thought that as many as 3 million people in the country are directly reliant on small-scale fisheries as a source of income. In recent decades however, this once prosperous and stable coexistence with the ocean has been placed in jeopardy. Production from marine fish catches in Ghana has declined, from almost 420,000 metric tonnes in 1999 to 202,000 metric tonnes in 2014⁵ and over 90% of fishers recently surveyed by EJF suggested a drop in catch in the past 5 years.⁶ The resultant and worsening humanitarian crisis has seen poverty and malnutrition now become commonplace on the shores of Ghana.

The declining health of the country's marine ecosystem is in large part a result of overfishing and IUU fishing by the industrial trawl sector. The most environmentally destructive form of IUU fishing in Ghanaian waters is the 'saiko' trade. Saiko has commonly involved trawlers that are licensed to target demersal (i.e. bottom-dwelling) species, illegally targeting small pelagic species such as sardinella – which are the lifeblood of the country's small-scale fishing communities – and selling them at sea on an industrial scale to specially adapted canoes. The impacts and value of this trade are significant. In 2017, EJF estimated that 100,000 metric tonnes of fish were traded in this way, with a landed market value of between US\$ 50 and 80 million.⁷ Following government action to halt the illegal trade in saiko fish at sea in September 2021, all indicators appear to show that the illicit industry in its common form had indeed stopped. However, the trade has simply transformed, and grown more brazen – with 'saiko' fish now placed into cartons and sold in large volumes directly at the industrial port of Tema, before being transported to communities across the country.

Although flying the flag of Ghana, EJF studies have found that at least 90% of the sector is beneficially owned by large Chinese corporations,⁸ which reap huge profits whilst doing little to address the egregious human and environmental externalities associated with them. DWFs, i.e., fishing vessels that operate outside of their national waters, can pose significant fisheries management challenges - operating under multiple jurisdictions and veiled by an industry-wide lack of transparency. The Chinese DWF is by far the world's largest in terms of size, power and geographical scope - operating across the Atlantic, Indian, Pacific and Southern oceans.⁹

The findings of a recent report by EJF¹⁰ indicate that the Chinese DWF is responsible for a litany of illegal fishing offences and egregious human rights abuses across the globe. The study also found that West Africa was the region within which IUU fishing by the Chinese DWF was most prevalent, with Ghana accounting for the highest individual number of suspected cases.

This report provides a comprehensive documentation of IUU fishing by the industrial trawl fleet in Ghana, the changing saiko industry, and associated human rights abuses – informed by 36 interviews with Ghanaian crew who had worked on industrial trawlers between July 2021 and June 2022. To supplement the data received through these interviews, EJF investigators spoke to 15 additional stakeholders including coastal fishers and processors, fisheries observers, government officials and civil society organisations, as well as conducting on-the-ground and desk-based investigative analyses of the ownership structures and supply chains associated with the Chinese DWF in the country.

The findings of this and previous EJF investigations show that operators in the country continually adapt their practices so as to subvert national legislation – as such threatening to limit the effectiveness of recent regulatory changes implemented by the Minister of Fisheries. These evasive techniques are enabled by a culture of corruption, a lack of transparency, insufficient political commitment, limited monitoring, control and surveillance (MCS) capacity, and a deficit of human and technical resources. As such, short of significant architectural changes throughout Ghana's fisheries management and enforcement regime, there is a likelihood that the fleet will again adapt its operations to further extract profits from Ghana's depleted waters by continuing to catch small-pelagic and juvenile fish to subsidise its operations. Concentrated new efforts focused on implementation and enforcement must be engaged, led by a high-ranking military or police official alongside the Minister of Fisheries and reporting directly to the President. Such a structure, amongst a host of other transparency measures, would increase accountability for mismanagement of fisheries across private and state actors - and ensure that positive change is durable across time and political transitions.



Small-scale fishers retrieving a net in Ghana.

Methodology

The findings of this report are primarily informed by interviews with crew who had worked on one or more Ghanaian-flagged industrial trawl vessels ($n = 36$) between July 2021 and June 2022. Interviews were undertaken near Ghana's main industrial port in Tema in June 2022, conducted through interpreters where necessary in local dialects including Ga, Ewe, Twi and Fante. All interviews with crew members from the trawl fleet were digitally recorded and then processed using the KoBoToolbox data collection tool. Where respondents granted permission for the interviews to be filmed, care was taken to ensure identities were strictly protected. Other than in specific case studies, vessel names and allegations against individual vessels are redacted. Where possible, respondents were asked to provide visual evidence (photos, video footage) of illegal activities encountered on the trawl fleet.

In order to augment and correlate the intelligence acquired from the above interviews, EJJ investigators also spoke to other relevant stakeholders ($n=15$) including current or recent fisheries observers, fishers who had worked on other industrial fleets including tuna purse seine and pole and line, canoe fishers, fish processors, government officials and local civil society groups. Furthermore, extensive visual evidence was gathered from key sites such as on board trawl vessels, the Tema industrial fishing port and small-scale fishing communities. This was supplemented by an extensive literature review and analysis of legal documents, as well as the use of vessel monitoring programmes such as ExactEarth and Starboard to track vessel activity and triangulate information provided by informants.

The state of marine fisheries in Ghana

Recent decades have seen a steep decline in the health of Ghana's marine fisheries resources.¹¹ According to the Food and Agricultural Organization (FAO) of the United Nations, production from marine fish catches in Ghana started declining from the year 1999, from almost 420,000 metric tonnes to 202,000 metric tonnes in 2014.¹² According to Lazar *et al.* (2020),¹³ catches of small pelagics, made up of the two *Sardinella* species (*Sardinella aurita* and *Sardinella maderensis*), European Anchovy *Engraulis encrasicolus* and Atlantic Chub Mackerel *Scomber colias*, peaked at over 180,000 metric tonnes in 1993, declining to their lowest recorded level of less than 90,000 metric tonnes in 2019.

While landings of these small pelagics dominated total marine fisheries production in Ghana for almost three decades, their contribution now stands at just 20% of total marine landings.¹⁴ This is in large part due to the saiko industry, although additional stressors such as other IUU fishing practices, marine pollution and global heating similarly converge to the detriment of marine health.

The importance of these four species to local communities cannot be overstated. In 2018, they contributed almost 60% of total landings of the artisanal fishery.¹⁵ The decline of these species is thus a catastrophe of existential proportions for Ghana's marine fisheries sector. According to Ghana's Scientific and Technical Working Group, landings of the Round *Sardinella* *Sardinella aurita* in 2019 represented less than 10% of the highest ever recorded landings, and the stock is thus considered collapsed.¹⁶

Illegal fishing

West Africa holds significant importance for the Chinese DWF, with its bottom trawl fleet catching an estimated 2.35 million tonnes in the region annually, valued at over US\$ 5 billion.¹⁷ A spatial analysis by EJF of over 550 suspected IUU fishing incidents linked to the Chinese DWF found that West Africa, and specifically Ghana, were the regions in which the highest instances of illegal fishing were identified.¹⁸

Illegal fishing has long been a significant threat to the sustainability of Ghana’s marine ecosystems. In 2013, Ghana received a yellow card within the framework of the EU IUU Regulation, indicating a warning that it may be listed as failing to take sufficient actions to prevent, deter and eliminate IUU fishing (known as a red card).¹⁹ Although the card was rescinded in 2015, Ghana became one of only two countries to receive a second yellow card in 2021 for again failing to cooperate in the fight against IUU fishing.²⁰ This development indicates how embedded illegality is within the fishery, and the collective failure of Ghanaian authorities to suitably tackle its root causes to drive lasting change.

Throughout the course of this investigation, three forms of IUU fishing by the industrial trawl fleet were identified as particularly prevalent: the illegal discarding of fish; fishing within the IEZ reserved for canoe fishers; and the use of illegal gears (**Table 1**). The saiko industry, which remains highly illegal, will be discussed in greater detail later in **Section 3** of the report.

Table 1 - Main forms of IUU fishing by industrial trawl vessels occurring in Ghanaian waters

Illegal practice	Relevant legislative provisions
Discarding of fish	Section 32(1)(a) of the Fisheries Regulations 2010 (LI 1968).
Fishing in the IEZ	Section 81(3) and Schedule referred to in Section 81(1), 2002 Fisheries Act (Act 625). Section 81(5), 2002 Fisheries Act (Act 625).
Use of illegal gears and the capture of undersized fish	Section 12(1) of the Fisheries Regulations 2010 (LI 1968). Section 14(1) of the Fisheries Regulations 2010 (LI 1968).

Box - Ghana and the EU IUU Regulation

The EU Regulation to end IUU fishing (EU IUU Regulation)²¹ requires that ‘third countries’ (those not in the EU) which export fish to the EU or lend their flags to vessels that import into the EU meet strict standards for fisheries management. If these standards are not met, the countries may be ‘carded’, which means that they could ultimately face exclusion of their fish from the EU market.²²

Under the carding process, the EU IUU Regulation enables the European Commission to issue a ‘yellow card’ and enter into dialogue with non-EU countries that are found to be inadequately fighting IUU fishing in their fisheries. If these countries fail to put the required reforms in place in a timely manner, the EU issues a ‘red card’, which is associated with sanctions, including trade bans on fisheries products caught by the carded country’s vessels to the EU.

Ghana was given its first yellow card in 2013 when the European Commission identified the country as ‘failing to keep up with international obligations to fight illegal fishing’,²³ specifically with regards to deficiencies in its MCS programme. The first yellow card was lifted in 2015 when a series of reforms were implemented, including amendments to its fisheries legislation, as well as the devising of a comprehensive fisheries management plan.²⁴ However, during the follow-up process, the Commission identified the reforms as not properly implemented or enforced, resulting in the continued proliferation of IUU fishing, including the notorious ‘saiko’ trans-shipment practice. Ghana’s failure to fight the endemic IUU fishing in its waters led the EU to issue a second yellow card warning to Ghana in 2021.²⁵ A continued failure to do so may lead to a number of sanctions, including a total ban of its seafood exports to the EU, which would come at a huge economic and reputational cost to the country.



Discarding of fish

The discarding or ‘dumping’ of fish at sea illustrates most viscerally how deeply unsustainable the trawl sector is in Ghana. It is explicitly outlawed in Ghanaian fisheries – with Section 32(1)(a) of the Fisheries Regulations 2010 (LI 1968) stating that “a person fishing under the authority of a licence issued for commercial fishing shall not dump from any vessel fish that has been caught which is suitable for human consumption”.

Despite being illegal, the practice remains highly prevalent, as captains order the discarding of low-value, often juvenile fish to make space for more valuable species. The fish that are dumped are often species targeted by canoe fishers, and dead by the time they are returned to sea. The amount of fish dumped can depend on the time of year – in the dry season, when there is less fish, the low supply means there may be demand for smaller fish, whereas in the rainy season, when more fish is available, they will be dumped in larger quantities to make space for more favourable catch.

“November, December, January, February - it is a dry season for us, and during these periods they will not normally get a lot of fish . . . they find it difficult to get a lot of catches so any fish that they catch they keep - so during that season the dumping is low. And during that season, because they find it difficult to get fish, fish are expensive offshore so they can get good money for that so they bring them. At this current moment [rainy season] there's a lot of fish at the sea so they have to bring the better one and dump the small ones”.

Crew member

In total, 92% of interviewees said that they had witnessed the dumping of fish at sea. A fisheries observer estimated that on one recent trip, nearly 50 tonnes of fish was dumped over a period of approximately 45 days at sea. Interviewees reported that captains would often encourage crew to haul in a new catch of fish before they were able to sort the previous one, meaning that all remaining fish on the deck would be dumped.

“[We are] dumping fish too much. Sometimes you can get the fish and the boat will be full but they will still [haul the net]. Greediness. They want to use us too much I don't know - they will throw the net again - they will throw the net and catch plenty of fish after that and dump it all”.

Crew member

The issue of fish discarding has allegedly become worse since the ending of at sea ‘saiko’ trans-shipments. Previously, economically undesirable fish would be frozen and sold to saiko canoes, allowing the industrial vessels to fill their holds with higher value species whilst simultaneously generating profit from saiko. Now, without the saiko canoes as an outlet for these fish, crew members are instructed to simply dump them overboard.

“Dumping is a lot now that there is no trans-shipment. When there was trans-shipment all the dumping they would keep it and trans-ship - but now there is no trans-shipment and that fish is too small for them, they see that when they bring it to harbour the price for that fish will be low so they have to dump it, they have to dump all these fish. My first vessel [redacted] I recorded over 1000 baskets, more than 1000 baskets [that were dumped]”.

Crew member

Fishing in the IEZ

Ghanaian legislation explicitly bans industrial trawlers from operating within the IEZ, which is defined in the Schedule to Section 81 (1) of the Fisheries Act 625 as “The coastal waters between the coastline and the 30m isobaths or the 6 nautical miles offshore limit whichever is farther”. This is to allow small semi-industrial, canoe and recreational fishers, who traditionally operate closer to the shore, safe and sufficient access to fisheries resources.

Canoe fishers in Ghana have long complained of incursions into the IEZ, which can result in the damaging of fishing gear including nets and canoes, injury and direct competition between small-scale and industrial fishers. In a recent EJF study²⁶, 75% of respondent fishers said that they encountered industrial vessels more frequently than 5 years ago, with 70% saying they had suffered damaged nets as a result. Fishers were able to obtain compensation in less than 15% of instances where nets were damaged, further exacerbating their financial woes.

“What these trawlers do is that they turn off their lights and make incursions into the IEZ at night. They fish all types of fish including small pelagics. They often make incursions and destroy our fishing gears. This is what I use to feed my family and educate my children. So if these foreign trawlers destroy my fishing gears, then what will I use to support my family's livelihood?”.

Canoe fisher

The majority (81%) of interviewees in the present study said that they have witnessed vessels fishing in the IEZ. Often, governments and other stakeholders rely upon satellite technologies to detect IEZ incursions, such as Automatic Identification Systems (AIS) and Vessel Monitoring Systems (VMS). Using vessel tracking platforms such as ExactEarth and Starboard, EJF regularly monitors the waters of Ghana and communicates instances where a vessel's tracks suggest that it has operated within the IEZ to the Ghanaian Government. Since 2017, EJF has sent 30 vessel alerts relating to 24 different vessels suspected of trawling within the IEZ, however in most cases, they have gone unanswered. This may seriously under-represent the frequency with which vessels enter the IEZ, as AIS transmitters can be switched off by the captain when undertaking clandestine operations to conceal their activities. It is noted that all of the trawl vessels are equipped with VMS units that are considerably more difficult to manipulate – the data from which are accessible by the authorities.

“Sometimes we turn off all the lights on the vessel . . . you see that the navy has placed a tracker at the top of the vessel to track where the vessel will be working, some of the Chinese take it off . . . I've seen it so many times”.

Crew member

Interviews with crew corroborate the testimony of coastal fishers and satellite evidence which indicates that trawlers are deliberately entering the IEZ to operate. It is claimed that trawlers will often undertake this practice at night, turning off their lights to reduce visibility and detection by the navy.

“In the evening around 10 or 11 they come from the deep [waters] to the shallow [waters] . . . then they turn off all the lights and trawl in the shallow. They trawl for almost two hours to three hours then the boat heads up. That means we have to take the nets so they go to the deep waters . . . then they turn on the lights . . . so if the navy is around and they don't see them in the camera they will think that they are trawling in the deep”.

Crew member

Use of illegal gears

Ghana's 2010 Fisheries Regulation (LI 1968) sets out requirements with regards to the appropriate mesh size permitted on board fishing vessels, as well as the minimum landing size of commercial important species. Section 12(1) states that “A person shall not operate from or carry on board a motor fishing vessel, (a) a trawl net the mesh of which is less than sixty millimetres in stretched diagonal length in the codend” while Section 14 (1) states “a person shall not catch or land at any landing site in the country, fish of a size of less than the prescribed length as provided in Form C of the Schedule to these Regulations”.

The fishing gear employed by industrial trawlers in Ghana has been subject to recent debate following the results of a technical gear audit commissioned by the Fisheries Commission.²⁷ The audit focussed primarily on the two types of nets that are both regularly carried on board trawlers, ‘Type 1’ and ‘Type 2’. The audit called for a ban of the Type 1 net due to its high vertical opening (nearly 40m) meaning that it would inevitably catch (and was likely used deliberately to target) pelagic and semi-pelagic species; whilst also not allowing for any selectivity of catch due to the braided material in its codend.

The latter of these two issues has led to the widespread capture of juvenile and undersized fish, inhibiting the ability of many species to reach sexual maturity and reproduce. Between January and June of 2022, EJF has purchased blocks of ‘saiko’ fish weekly in order to analyse the composition of the content – especially the size and species of the fish. The findings of this analysis (**Table 2**) suggest that of those species that have a minimum landing size,²⁸ a significant proportion were undersized, in contravention of the legislation.



Table 2 - Summary of 'saiko' block analyses between January 2022 and June 2022

Species name	Common name	Species type	Number of individual fish analysed	Minimum size set by law/cm	% of fish that were undersized
<i>Brachydeuterus auritus</i>	Bigeye Grunt	Benthopelagic	459	14	96.5
<i>Caranx crysos</i>	Blue Runner	Pelagic	1	21	100
<i>Caranx rhoncus</i>	False Scad*	Pelagic	305	21	100
<i>Chloroscombrus chrysurus</i>	Atlantic Bumper	Pelagic-neritic	61	10	50.8
<i>Decapterus punctatus</i>	Round Scad**	Pelagic	203	10	22.2
<i>Dentex canariensis</i>	Canary Dentex	Demersal	835	22	100
<i>Galeoides decadactylus</i>	Lesser African Threadfin	Demersal	5	16	100
<i>Lutjanus fulgens</i>	Golden African Snapper	Demersal	168	16	99.4
<i>Pagellus bellottii</i>	Red Pandora	Demersal	110	14	98.2
<i>Pagrus caeruleostictus</i>	Bluespotted Seabream	Demersal	4	18	100
<i>Pseudupeneus prayensis</i>	West African Goatfish***	Demersal	29	14	93.1
<i>Sardinella aurita</i>	Round Sardinella	Pelagic	21	18	100
<i>Scomber colias</i>	Atlantic Chub Mackerel	Pelagic	69	18	100
<i>Sepia hierredda</i>	Giant African Cuttlefish	Demersal	2	14	100
<i>Sphyræna barracuda</i>	Great Barracuda	Pelagic	30	30	100

* Referred to as 'Scad Mackerel' in the 2010 Fisheries Regulation (LI 1968), ** Referred to as 'False Mackerel' in the 2010 Fisheries Regulation (LI 1968)

*** Referred to broadly as "Red Mullet" in the 2010 Fisheries Regulation (LI 1968)

In a commendable move by the Ministry of Fisheries and Aquaculture Development (MoFAD), a ministerial directive was issued banning *inter alia* the use of nets that have a vertical opening over 10m, as well as nets that use braided polythene twines that prevent the escape of juvenile and undersized fish – with measures coming into effect 1st of September 2022.²⁹ However, a long history of non-compliance within the trawl fleet, coupled with the failure of the Ghanaian government to sufficiently monitor its waters and punish those who break the law, brings into question how successful the directive will be.

Beyond issues of compliance with changing gear regulations, the interviews conducted by EJF for this study suggest that further illegalities are occurring on board vessels. Of those interviewed, over half (53%) stated that they witnessed the deliberate manipulation of nets in order to reduce their selectivity. Nets are hidden whilst leaving and entering the port, and are then seemingly exchanged at sea between vessels in the same fleet.

"The smaller nets, they normally hide it, they hide it, most times even the sailor you will not know. They hide it once we finish working with it and we are coming back . . .the Chinese hide it. Then they leave the normal one on board for the people to come and check it, they hide it, but it is on board but sometimes for me I don't even know where they keep it, only thing I know is when we sail they bring it they put it inside before they trawl to catch the smaller fish because that net, the eye [mesh size] is very small".

Crew member

Table 3 summarises the extent to which interviewed crew members had witnessed the various forms of IUU fishing.

Table 3 - Summary of crew interview findings regarding IUU fishing aboard trawl vessels

Form of IUU fishing	Percentage of crew who have witnessed in last 12 months
Discarding of fish	92%
Fishing in the IEZ	81%
Fishing with illegal gears	53%

Impact of illegal fishing on local communities

Ghana's coastline spans 550km along the Gulf of Guinea and is host to over 200 small-scale fishing communities. The value of fisheries to these communities cannot be understated, with the industry providing livelihoods for between 2.5 and 3 million people along the value chain, or around 10% of the country's population. Small-scale fisheries provide almost 110,000 jobs for men working on canoes, and around 500,000 jobs for those engaged in the processing, distribution and marketing of fish, who are predominantly women.³⁰

Beyond its economic value, fish provides 60% of animal protein intake in the country, with an estimated annual per capita consumption of 25kg³¹ – meaning that Ghana has one of the highest fish dependencies in Africa. Affordable, hygienic and nutritional protein is vital in a country where food insecurity and malnutrition are a serious concern. Studies suggest that 18% of the population under five years suffer stunted growth due to dietary deficiencies,³² and the impacts of the ongoing climate crisis coupled with geo-political turbulence threatens to further exacerbate poverty and malnutrition.³³

Annual landings of Round Sardinella fell by 90% between 1992 and 2019³⁴, which parallels a growing fishing intensity by the bottom-trawl industry in this time.³⁵ A 2021 study by EJF evidenced the severe impact of overcapacity and illegal fishing on Ghana's coastal communities.³⁶ Over 90% of the fishers interviewed had recorded a decline in catch in recent years; between 80% and 90% of fishers and fish processors/traders reported declining incomes; and average monthly expenditures would commonly exceed income, resulting in crippling income insecurity.

In the face of declining catch, to which IUU fishing is a significant contributor, Ghanaians find themselves reliant on seafood imports: Ghana reportedly spends \$200 million annually on fish imports to meet national fish demand.³⁷ Communities are also forced to purchase seafood that is intentionally and illegally caught by industrial trawlers- which is often low quality and undersized.

The precarity resulting from declining fish populations is not always felt equally, with some sections of society (including women, the elderly and migrants) disproportionately impacted. Women in fishing communities often find themselves excluded from livelihood assets and decision-making, yet play a critical role in the financing of fishing trips. Impacts are also intergenerational, with children often required to assist in income generation, or families unable to pay school fees - creating cycles in which future generations are unable to seek alternative or supplementary livelihoods due to a lack of formal education or qualifications.



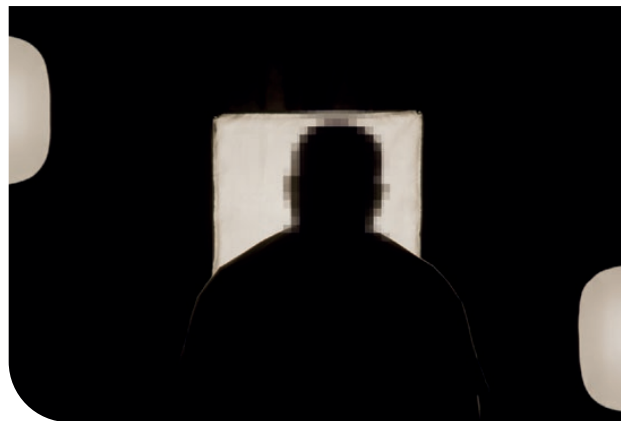
Human rights abuses

Human rights abuses are replete within the global fishing industry, manifesting through a range of offences including wage deductions, human trafficking, forced labour and violence.³⁸ These abuses often go unnoticed due to the remoteness of fishing operations, the fact that many crew, especially on board DWFs, are migrant workers who are vulnerable to exploitation, and poorly equipped port authorities who fail to identify suspected abuses when vessels arrive from sea.³⁹

China's DWF has a significant problem with human rights abuses on board its vessels. In May 2021, US Customs and Border Protection banned imports of tuna, swordfish and other products from Dalian Ocean Fishing Co. Ltd following evidence of labour abuses on board 32 of its vessels, primarily against Indonesian crew.⁴⁰ EJF's interviews with 116 Indonesian crew working on Chinese-flagged or owned vessels between September 2020 and August 2021 similarly found that abuses were commonplace: 99% of interviewees had experienced or witnessed wages being deducted or withheld; 97% had experienced some form of debt bondage/confiscation of guarantee money and documents; 89% had worked excessive overtime; 85% reported abusive working and living conditions; 70% had experienced intimidation and threats, and 58% had seen or experienced physical violence.⁴¹

In 2020, EJF released the findings of interviews with ten crew and three fisheries observers in Ghana, which documented a range of abuses including physical violence, poor quality food and water and cramped and unsafe living conditions.⁴² Ghana has not yet ratified a key global initiative to combat labour abuses at sea, the International Labour Organization (ILO) Work in Fishing Convention (C188), nor the 2012 IMO Cape Town Agreement to ensure minimum standards of vessel safety.

The interviews conducted in June 2022 build on the findings of the 2020 report, with an extended dataset⁴³ further evidencing the systemic nature of human rights abuses on board Chinese vessels in Ghana. The research confirmed clear disparities in working conditions between the Ghanaian and Chinese crew – 100% of respondents stated that they were excluded from certain living areas on the boat, as well as provisions that were accessible to the Chinese.



A Ghanaian crew member providing testimony to EJF.

Working hours

EJF's previous study on labour conditions on board trawlers outlines the various international and national laws that seek to delineate appropriate working hours, including Articles 23(1) and 24 of the Universal Declaration of Human Rights, Article 24(2) of the Ghanaian Constitution and Section 10(c) and Part IV (Sub-Parts II and III) of Ghana's Labour Act.⁴⁴ Whilst these frameworks are not industry specific, the ILO C188 – which provides guidance on best practices in the fishing industry – offers guidance for fishing vessels. On the topic of working hours, Article 14 of the convention states that vessels that remain at sea for over three days should allow crew ten hours of rest in every 24-hour period, and 77 hours in any seven-day period.⁴⁵ Whilst Ghana has not yet ratified this convention, and as such it is not binding in the country, it serves as a useful benchmark against which to assess findings.

Working conditions aboard trawlers are alleged to be relentless, with 100% of crew saying that they worked over 14 hours a day, often by some margin. The constant setting and hauling of nets demanded by the captains meant crew could only rest for periods of one or two hours at a time, sometimes less: *"We don't sleep, we don't rest. We are no more than prisoners, I am telling you"*.

In what is widely accepted to be a very dangerous industry, forcing crew to work repeatedly for 14 or more hours per day greatly heightens the likelihood of industrial accidents. According to crew, and footage witnessed by EJF investigators, such accidents have caused grave injury and death in recent years in Ghana.

Violence and abuse

Verbal and physical abuse are commonplace on board the Ghanaian trawl fleet, witnessed by 94% and 81% of crew members interviewed, respectively. Some crew members said that language barriers between Ghanaian and Chinese crew have led to the latter growing frustrated and lashing out.



Chinese captain speaks to Ghanaian crew member onboard a trawler.

“[Chinese captains are] very abusive, sometimes abusive and violent. You see the Chinese man, they are working with somebody who doesn't understand your language, and you the Chinese you don't understand this [Ghanaian] language so sometimes you need to take time and explain things so that they will be understandable between both of them, but the Chinaman will not get time for that you see? . . . sometimes you see the captain booting, slapping a Ghanaian but they have to take it, because if you retaliate and come to shore, they are going to deduct your money”.

Crew member

A number of crew reported that such abuse would escalate into attacks with weapons. Shocking testimony from one interviewee alleges that they witnessed a Chinese chief officer attack a Ghanaian with scissors.

“A chief officer cut a Ghanaian with scissors! When I complained, the captain came to the defence of the crew officer. Both of them were arguing, and then the Chief officer cut the Ghanaian's palm with the scissors . . . they were arguing because the Ghanaian crew refused to obey the orders of the crew officer. This was due to previous insults from the crew officer to the Ghanaian - the sailor really got hurt. Every little thing, these Chinese will resort to a knife, metal or scissors. I have witnessed other violent acts by these Chinese on the same vessel by the same Chief officer. There was a day that a sailor was asleep, instead of the Chief officer calling him, he used a rope to lash him”.

Crew member

Access to food and water

In keeping with the findings from 2020, a lack of good quality, nutritional and clean food and water is a key concern of crew, with 100% of respondents interviewed stating there was inadequate food and 94% inadequate water. Meals on board would consist of gari (a creamy

granular flour obtained by processing the starchy tuberous roots of cassava) and rice, with a small amount of tomato stew. There is seldom protein available, and likewise no fresh fruit or vegetables.

Water for both drinking and washing is scarce. Fishers reported that they would drink from an on-board polytank, which would have rust on the inside. Over the course of a trip it would discolour the drinking water, making them ill. One fisheries observer stated the following:

“Some of the sailors made a complaint to me about the water - that they are running [diarrhoea], they think there is salt in the water. I don't have anything to prove what content was in the water, I just indicated it on my report that this is what the sailors are complaining about they are running, having so much running”.

Fisheries observer

Numerous crew reported that whilst the Ghanaians are forced to either bring their own water, or drink polluted water from the tank, Chinese crew have an ample supply of drinking water which they keep locked away.

“The water we drink is often clean at the start of the trip but becomes dirty later in the trip. The cook who is Chinese always locks the water, so if you do not have a bottle to store some of the water, then you will go thirsty. We have the desalination machine but according to the chief engineer it is spoiled and he could not repair it . . . they [the Chinese] have their own bottled water. They do not drink the pipe borne water so they always have their bottled water that they drink”.

Crew member

There is similarly a shortage of water for bathing on board, and a disparity in who can access the limited bathing water that is available. This means that crew can spend a month or more at sea without properly washing in anything other than sea water, or water from air conditioning units.

“They [the Chinese] were getting their own thing, they were getting everything. They get water to bathe, they have a poly tank that there is water in so they get water at the end of the day to bathe. Meanwhile, they don’t do most of the work, they don’t get closer to the fish, we blacks get closer to the fish . . . when we close at the end of the day we cannot even get water to bathe”.

Crew member

Living conditions

Almost 9 in 10 (87%) of interviewees described inadequate living conditions on board trawlers. Sleeping conditions were the primary concern of the crew, who are forced to sleep on the deck under a tarpaulin sheet – a set up referred to by some as ‘monkey island’. This leaves fishers exposed to the elements, while the Chinese crew have access to private cabins with toilet facilities and showers.

Ghanaians are not provided with bedding or mattresses and are forced to sleep on top of nets that they complain are often full of cockroaches and other insects that bite them. In one particular insulting exchange, a crew member recalls that crew were not even allowed to sleep on the cardboard used to box the fish: *“when they [the crew] pick cartons to sleep on them, the captain will say that the cartons cost one dollar per carton and no one should sleep on it”.* - Crew member.

Safety at sea

Crew members described an environment in which accidents and serious injuries are commonplace, arising from a toxic combination of poorly maintained equipment, lack of safety and protective gear, reckless decision-making by Chinese captains and overworking of crew. Three quarters of interviewees had seen or experienced a serious injury or death in the past 12 months, and shared harrowing evidence of crew that had been injured when trawl wires snapped or other heavy machinery malfunctioned. The lack of maintenance, some crew felt, was down to the greed of the vessel owners:

“They don’t like maintenance, the only thing they think about is money, money, money. They get the money that is all. To maintain the vessel, to get good safety equipment on board, they will not do it. Even when, on board, you see they have the lifejacket over there, but they will not give the lifejackets to the crew on board, they will just keep the lifejackets in a particular cabin and lock it”.

Crew member

The above statement was one of a number that indicated a lack of lifejackets on board trawlers. Another crew member said the following:

“You see people on the vessel falling inside the water and dying, and you can never save them because they don’t give us life jackets . . . you are supposed to use a lifejacket, so if you fall inside the water you can be on the surface of the water but without the lifejacket you can fall inside the water, maybe in the night whilst working - who will see you? Nobody will see you, that’s how the work is”.

The lack of lifejackets is just one of a number of alleged failures by the Chinese captains to ensure the safety of Ghanaians on board their vessels. 94% of the interviewees stated that there was insufficient medicine and first aid equipment available and they had to provide their own. When a Ghanaian became ill or injured on the vessel, as opposed to returning to shore, captains would instead flag down a passing canoe and pay them in fish to return the crew member to shore so he could seek treatment:

“I have seen a lot of sailors getting hurt on board. When that happens, the captain then looks for a canoe and hands over the sailor to the canoe with 15 pans of fish in addition . . . anytime a sailor is hurt during hauling, the captain uses the same procedure. The captain does not move from the bridge to see the injured person unless the person is a Chinese crew. The captain will land at the port anytime a Chinese crew is sick, but if it is a Ghanaian he will just hand him over in a canoe. The captain has no time for us”.

Crew member

Table 4 summarises the extent to which interviewed crew members had witnessed the various forms of human rights abuses.

Table 4 - Summary of interview findings regarding human rights abuses aboard trawl vessels

Form of human rights abuses	Proportion of crew members interviewed who had witnessed abuse in the last 12 months
Working over 14 hours per day	100%
Inadequate food	100%
Inadequate water	94%
Inadequate medicine	94%
Verbal abuse	94%
Inadequate living conditions	86%
Physical abuse	81%
Serious injury at sea	75%

The COMFORTER 2: An accident waiting to happen

On 6 May 2022, the MV COMFORTER 2 sank while trawling in stormy conditions off the Ghanaian coast, between Takoradi and Elmina. A day later, the Ghana Maritime Rescue Coordination Centre received distress calls from the MENG XIN 6, reporting that its sister vessel, the COMFORTER 2, had sunk.⁴⁶ Fourteen crew were rescued while eleven men remain missing, presumed dead, including the state-appointed observer. The captain's body was also recovered.

While the fishing industry is inherently dangerous, and the loss of life unfortunately all too common, the sinking of the MV COMFORTER 2 was an avoidable tragedy stemming from decisions that placed profits over the well-being and safety of the crew. EJF's investigations, which included interviews with two crew who survived the sinking of the MV COMFORTER 2, uncovered the extent of this disregard for human life.

On the day the vessel sank, the weather conditions were reportedly stormy with strong winds, high waves and rain. Such conditions inevitably make vessels less stable and fishing more dangerous – however half of those interviewed across the wider Ghanaian trawler fleet stated that they had been forced to work through a storm in the past 12 months.

According to a press statement, the accident occurred as the vessel was hauling a bumper catch.⁴⁷ Survivors allege that the captain insisted upon hauling the catch in its entirety, as opposed to gradually bringing it on board, despite crew warning that the vessel was in danger of listing out of control. Crew allege that the excessive size of the haul was likely affected by illegal tampering of the nets to reduce the mesh size, and increasing the likelihood of hauling heavier loads.

It is noted that, in 2014, the MV COMFORTER 2 was fined for fishing with undersized mesh⁴⁸, indicating that this may have been a regular practice on the vessel. Survivors informed EJF that a large shoal of fish had been captured earlier in the day, suggesting there was a heavy load already on board.

Survivors allege that there were insufficient life vests on the vessel, and that crew were routinely forced to work inordinately long hours. One crew member described drifting at sea between midnight and 07:30 following the incident, forced to use mattresses and debris as a means of staying afloat.

Surviving crew members say they were given GHC 500 (approximately US\$ 60) following the incident, purportedly for travel expenditure to enable them to visit family. In interviews with EJF, survivors allege they have since been stonewalled by Boatacom Ltd, the vessel owner, with company officials failing to respond to repeated requests for information and additional financial support. Traumatized by the sinking, they have both been unable to work since the incident.

Searching for accountability: mapping the ownership structures of the COMFORTER 2

Opacity in the corporate structures of fishing companies operating in Ghana makes it particularly challenging to understand which individuals and entities manage and own a given vessel. Previous EJF studies have detailed the means through which Chinese vessels gain access to Ghana's waters via a series of Ghanaian-owned front companies, created in order to subvert fisheries laws on foreign ownership (discussed later in the 'front companies' section of the report).⁴⁹

The most recently published list of vessels authorised to fish in Ghana's waters lists Ghanaian company Boatacom Enterprises Ltd as the local licence holder for the MV COMFORTER 2.⁵⁰ A 2016 company filing for Boatacom Enterprise Ltd named two equal shareholders behind the Ghanaian company – George Boateng Ampratwum and Comfort Ampratwum. The former having previously served as president of GITA, according to a 2014 news report.⁵¹ More recently, a 2022 news report named Kojo Ampratwum as the current owner of the vessel.⁵² Boatacom Enterprise continues to operate the COMFORTER 1 vessel, presumably on behalf of its Chinese beneficial owners.

The ultimate beneficial owner of the Comforter vessels however is believed to be a Chinese entity, which EJF suspects to be the Dalian Mengxin Ocean Fishery Company Ltd. This hypothesis is based on the fact that the ship was described by the Ghana Maritime Authority as a sister vessel of the MENG XIN 6; it operated with the wider MENG XIN fleet according to survivors; it had the same tonnage as other MENG XIN vessels; and the COMFORTER 1 ship was formerly named the MENG XIN 28 until 2015. According to a previous EJF interview with a fisheries observer, the COMFORTER 2 was formerly named the MENG XIN 11; however, this name change is not recorded in the IHS Sea-web database of ships and could therefore not be substantiated.⁵³

The MENG XIN fleet in Ghana is no stranger to tragedy, with fisheries observer Emmanuel Essien inexplicably going missing (presumed dead) from on board the MENG XIN 15 in July 2019.

Understanding the continued profitability of the Chinese DWF in the face of a depleted Ghanaian fishery

As global industrial fishing effort has accelerated in the past 50 years, fisheries worldwide have become increasingly depleted. At present, 35% of fish populations are deemed overfished,⁵⁴ meaning that there are more vessels in competition for less potential catch. Esteemed fisheries scientist Daniel Pauly has described expansionism in fisheries as threefold: *geographic*, *bathymetric* (fishing in deeper waters) and *taxonomic* (fishing for a wider set of species),⁵⁵ which succinctly demonstrates the tactics of industry players in reaction to decline in their conventional target fisheries.

This scarcity is directly correlated to the increases in exploitation, human rights abuses and illegal fishing that are now commonplace across the industry, as costs must be cut and income supplemented. This phenomenon is sometimes referred to as ‘commodity deepening’,⁵⁶ in which socio-technological and other business ‘innovations’ are required to continue profiteering in an environment that has been heavily depleted. Often these innovations are illegal, unethical and unsustainable, as fisheries would simply no longer be profitable if exploited in accordance with legal frameworks. Therefore, as laws and regulations are put in place to deter IUU fishing and human rights abuses, fishing enterprises seek to subvert them through legal loopholes and clandestine practices. The use of flags of convenience, where vessels adopt a flag that does not reflect their genuine nationality in order to avoid taxation, scrutiny or to gain access to the country’s waters is a case in point.⁵⁷

More specifically, there have been a number of examples in recent years where vessels belonging to some of the world’s largest DWFs have adapted their operational procedures in reaction to evolving efforts to end IUU fishing and human rights abuses at sea. In 2014, as part of fisheries management reforms resulting from its receipt of a yellow card from the EU, Korea denied four of its vessels the ability to export fish caught without a licence in Somalia. In response, rather than reforming their behaviour, the four vessels left the Korean registry, changed their names and re-flagged to Somalia – continuing their illegal plundering under a new collective guise. More recently, in response to Indonesian crew members documenting illegalities and sharing evidence with civil society groups, EJF was informed that a captain on board a Chinese vessel forced those debarking from his vessel to give him access to their smartphones to delete any incriminating photos and footage.

Within the Ghanaian context, the saiko industry best exemplifies the underhanded means through which the Chinese DWF has been able to maintain profitability in the face of a depleted fishery. The following section will map the origins and changing dynamics of this illicit practice.



Brief history of the saiko industry in Ghana

The saiko trade has traditionally referred to the at sea transferring of frozen blocks of fish from foreign-owned industrial trawlers to specially adapted canoes, which then return to shore (primarily to Apam and Elmina in the country's Central Region) and sell the fish to local communities. The composition of these blocks will normally be 'non-target' species of limited export value, including small pelagics such as sardinella and juvenile demersal species – known locally as saiko or logo fish.

The industry began as a relatively benign one, in which canoe fishers would travel to industrial vessels and trade supplies such as food, water and medicine for unwanted by-catch. However, in the face of declining catch of valuable export species, trawlers began to deliberately target 'saiko' fish - capturing them in vast quantities with catastrophic impacts on locally important species. This catch would be unreported, and the trans-shipments would allow vessels to remain at sea for longer periods of time.

“Initially fishers were not using money to buy the saiko fish. They would normally go with coconut and sugar cane in exchange for the fish which is now called saiko. It continued for some time before it changed that fishers have to go with money in exchange for the fish”.

Coastal community member, Central Region

In 2017, EJF investigations found that approximately 100,000 metric tonnes of fish were landed through the saiko trade, with a landing site value of between US\$ 52.7 and US\$ 81.1 million dollars.⁵⁸ Whilst the official landings reported by the industrial trawl fleet in 2017 totalled 67,205 metric tonnes, when coupled with saiko landings it is estimated the actual landings were approximately 167,000 metric tonnes. This means that just 40% of catch in the fleet was legal and reported, despite the presence of fisheries observers on every vessel.

The saiko industry in its above form continued unabated until June 2021. Following government action to halt the illegal trade in saiko fish at sea in September 2021, EJF was able to confirm through satellite and community intelligence that the trade had largely ended. However, it soon became apparent that whilst at sea trans-shipments were no longer taking place, the illegal trade continued with a new *modus operandi*.



A small-scale fish processor in Ghana.

The new face of saiko

Intelligence gathered throughout this investigation indicates that in response to the ban on at-sea trans-shipment, saiko fish are now simply packaged in cartons and landed at the main industrial port of Tema. Despite trawler licences dictating that they are only allowed to fish for demersal species, with a 15% by-catch allowance, crew testimony suggests that it is common for at least half, but often far more, of the fish landed to be saiko. This raises serious concerns about both the country's port controls and the observer scheme, both of which are programmes ostensibly aimed at preventing such brazen disregard of fisheries laws.

“Because the stocks are declining, we are landing these small fishes. The vessel is able to load 6,500 cartons of fish. The logo fish are always more than the high earner [demersal] fishes. The export [demersal] fish can be 1,000 or 1,500 cartons out of the total catches. The logo fish caught are plenty”.

Crew member

From these ports, boxes of saiko are acquired in various quantities by fish traders and either processed and sold directly in Tema or transported by road to communities across Ghana for sale. Previous hubs of the former saiko trade such as Apam and Elmina remain important distribution points, with cartons of fish arriving there and then being sold and transported further afield in the country. EJF informants within these communities indicated that many of those who were key buyers of saiko continue to acquire significant volumes.

“Many people come from different locations to buy [saiko fish], sometimes even the cold store owners have places like Kumasi that they transport some of the fish to”.⁵⁹

Community member, Elmina

Whilst during the era of saiko fish being trans-shipped at sea it was difficult to attribute each block to the vessel from which it came, throughout this investigation, EJF observed that the saiko cartons are labelled with the name of the licence holders associated with the capture vessel. Often, cartons could be traced with a fair degree of accuracy from their offloading at Tema port, to their sale and transport from Tema small-scale fishing market all the way to distributive hubs in Apam and Elmina.

Boxes of fish being processed in Elmina, Ghana.



SAIKO TIMELINE

December 2017

EJF estimates that 100,000 metric tonnes of fish were traded illegally through saiko, with a landed value of between US\$ 50 and US\$ 80 million in 2017.



US\$50-80 million
in 2017

May 2018

EJF commissions a legal analysis by Ghanaian law firm the 'Taylor Crabbe Initiative' to ascertain the legality of saiko trans-shipments. The analysis finds categorically that the trade is illegal, expressly prohibited by Regulation 33 of the 2010 Fisheries Regulations, LI 1968. The analysis is shared with the Ghanaian government and a summary published subsequently in March 2020.

October 2018

Minister of Fisheries Elizabeth Naa Afoley Quaye reportedly states that supervised trans-shipment is legal, and denies that saiko was ever banned. GITA echoes this sentiment during a behind closed-doors meeting with the government and other industry stakeholders.

August 2019

Minister of Fisheries Elizabeth Naa Afoley Quaye calls for the complete eradication of saiko at the National Conference on Fisheries and Coastal Environment. GITA pledge their full support to the government to work on the issue.

November 2019

The 2020 Budget Statement of the government of Ghana states that "the Ministry will intensify the implementation of the Fisheries Act 2002, (Act 625) to ensure that domestic, regional and international laws that prohibit IUU fishing are strictly enforced through the following: [...] "all domestic and international fleet that are involved in "Saiko" fishing (i.e. transshipment at sea) shall be banned from fishing in Ghanaian waters."

December 2019

EJF estimates that between 14,467 and 24,112 tonnes of fish were traded illegally through saiko, with a landed value of US\$ 11.2 - 29.8 million in 2019.



US\$11.2-29.8 million
in 2019

March 2020

Deputy Minister of Fisheries Francis Kingsley Ato Codjoe encourages trans-shipment during an interview with Joy News stating that instead of banning it, it should be regulated.

August 2020

President Nana Akufo-Addo pledged to tackle saiko: “Our commitment is strong and in these times we have also got the tools to back our commitment”.

December 2020

EJF estimates that between 18,586 and 30,976 tonnes of fish were traded illegally through saiko, with a landed value of US\$ 14.4 - 38.3 million in 2020.



18,586-30,976
tonnes

US\$14.4-38.3 million
in 2020

September 2021

After the 2021 closed season (July 1st - August 31st), saiko trans-shipment at sea appears to have largely stopped according to EJF's community and satellite surveillance. However, there appears to be large quantities of saiko fish boxed and landed at the industrial port of Tema.

July 2022

Minister of Fisheries Mavis Hawa Koomson pledges to ban the saiko industry completely, stating that the 15% by-catch allowance for industrial trawlers is being abused by vessel operators.

July 2022

Upon ending the 2022 closed season for all non-industrial fishing vessels, Minister of Fisheries Mavis Hawa Koomson states that the 15% allowable by-catch for trawlers is repealed as of September 2022.



A saiko trans-shipment recorded in Ghana.

Mapping the local enablers of IUU fishing and human rights abuses in the Ghanaian trawl sector

Although imperfect, the current legislative framework in Ghana would be largely sufficient in preventing IUU fishing within the bottom trawl sector if strictly adhered to. Unfortunately, there has been widespread refusal to operate within this framework, which has led to the near collapse of Ghana's key fisheries. It is for this reason that recent pledges made on the banning of non-selective nets, the elimination of at-sea trans-shipment and the removal of the by-catch allowance from licensing conditions must be subject to close scrutiny.

EJF investigations suggest that the ability to operate with such flagrant disregard for the law is enabled by individuals and institutions who are actively engaged in bribery, corruption and the silencing of dissent. Corruption in the country is pervasive, with The US Department of State's 2021 'Country Report on Human Rights Practices in Ghana' stating that corruption exists across all branches of government, undertaken with complete impunity.⁶⁰ Highlighted below are some of the key enablers of IUU fishing and human rights abuses which need to be tackled as a matter of urgency to help prevent the total collapse of Ghana's fisheries sector.

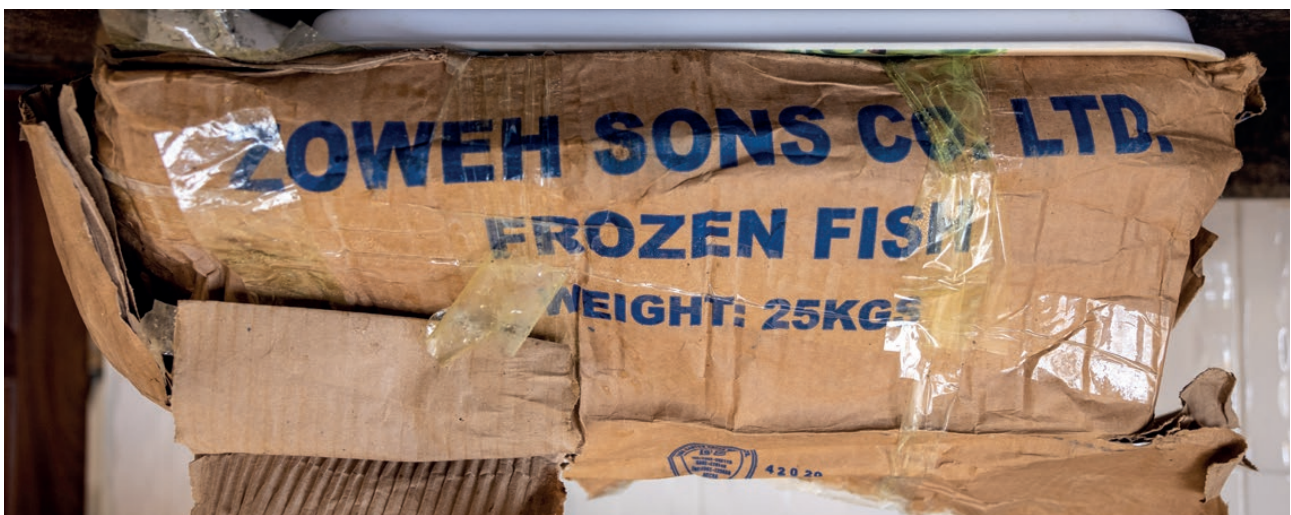
Front companies

Ghanaian law expressly forbids foreign ownership of industrial trawl vessels operating under the Ghanaian flag, both in terms of ownership on paper, and, crucially, in terms of those who profit from the vessel – known as the 'beneficial owners.'⁶¹ Section 47(1) of the 2002 Fisheries Act (Act 625) states that:

“a local industrial or semi-industrial fishing vessel is a fishing vessel (a) owned or controlled by a citizen of Ghana, the Government or owned or controlled by a company or partnership registered by law in Ghana which has its principal place of business in Ghana and the share of which is beneficially owned wholly by the Government, a citizen, a public corporation established by law in Ghana or a combination of any of them”.

In spite of this, EJF estimates that over 90% of Ghana's industrial trawl fleet is beneficially owned by Chinese interests, despite all vessels flying the flag of Ghana.⁶² The illegal access granted to the Chinese DWF in Ghana is enabled by a relatively small number of Ghanaian-owned front companies. These front companies, in large part represented by GITA, are used to import vessels into the Ghanaian fleet register and obtain a licence to fish, setting up opaque corporate structures to circumvent the nationality criteria in the law. The use of locally registered front companies provides significant opportunities for Chinese distant water fishing corporations to conceal the identity of the ultimate beneficial owners of vessels. This has the added consequence of stifling enforcement efforts, with investigations typically focusing on the vessel rather than the actual owner.

Beyond facilitating access, interviews conducted with crew members indicate that the offices of fishing companies represented by GITA are also tasked with recruiting, managing and paying the Ghanaians who work in the industry. The recruitment process is highly informal, depriving those on board of the protections afforded by formal employment contracts and regular salaries. As opposed to advocating for the welfare of their crew, informants suggest that staff from the fishing companies often fail to act on reports of abuses, or may even fire crew who speak up about it. Of the 14 crew who claimed to have reported abuses to the Ghanaian licence holders, none said that action had been taken as a result. Other crew members claimed they feared complaining as they would be fired or told to quit.



An empty carton alleged to have contained 'saiko' fish bearing the name of a Ghanaian operator.

“Whenever the sailors come on shore and try to report to the police or the authorities, these people [GITA] will sack them from the boat”.

Beyond failing to support their fishers, allegations were made that a number of front companies were in fact complicit in covering up illegal fishing by reprimanding or firing fishers. When speaking about his upset at having to constantly dump fish, one crew member said the following:

“Sometimes when we are throwing the fish into the water, your heart ... you cannot talk because when you talk either they find trouble for you or they call the office [of the Ghanaian front company], “this man I don’t like, this man I don’t like”. Yeah you can not complain, you can not complain, you need to shut up. whatever they say, do it”.

Port authorities

At Tema, staff from the MCS division of the Fisheries Commission are tasked with checking landings by the industrial fleet in order to monitor compliance both in terms of tonnage and species caught. Other port authorities present at the industrial fishing harbour include the marine police, the navy, and Ghana Ports and Harbours Authority (GPHA).

Witness testimony suggests that the 15% by-catch allowance written into the trawler licences is openly and systematically flouted. Fishers interviewed by EJF alleged they had witnessed a range of officials from the above institutions routinely collecting bribes in the form of 25kg cartons of high value fish. Such bribes are allegedly commonplace, with 86% of those interviewed having witnessed similar forms of corruption (committed by either an observer, port control or navy) in the last 12 months. These bribes, they claimed, allowed cargo to pass uninspected for onward distribution to neighbouring cold stores and awaiting trucks. The price of getting away with overfishing, it seems, is fish.

Another fisher claimed that corruption was so rife that, on one occasion, when he had threatened to complain to the authorities about the conditions aboard a trawler, his Chinese captain said he would simply bribe the police in exchange for non-action. *“The Chinese say if they are reported, they will just bribe the police and get off”.*

Fisheries observers and Ghana Navy officials

Since 2018, the Ghanaian fisheries observer programme dictates that each vessel in the industrial bottom trawl industry must have a government appointed observer on board to monitor the activities and conditions on board the vessel. In spite of this initiative, IUU fishing and human rights abuses have been commonplace, highlighting serious flaws in its enactment. A report by EJF released in 2021 found that observers are routinely subjected to intimidation, threats and bribery in order to prevent them from reporting illegalities.⁶³ In the interviews undertaken for this report, bribery of observers with boxes of fish appears to be commonplace. One crew member states:

“There are observers in the vessels, but they do not say anything or take records of that [illegal fishing] because the observer is looking for his own fish. His attention is not on the task he is to perform on the vessel ... once there is an illegality on the part of the captain, the observer takes a photo and video recording and shows it to the captain. He then uses it to demand for 6 sacks [of fish]”.

In addition to the observer programme, the Ghanaian navy undertakes routine patrols at sea to carry out inspections of vessels and gear for compliance with the law. Fishers interviewed alleged they witnessed naval personnel take cartons of high value fish, while taking no enforcement action, even when tampered nets and saiko were aboard and other infractions were apparent, such as insufficient first aid facilities and life vests.

“Oh the navy have been receiving bribes every time (they inspect a vessel), they don’t ask of (sic) first aid, or the contract paper of seamen, all that they ask for is carton fish 20 boxes, they don’t ask about lifejacket and other safety gears”, said one fisher. While another told EJF investigators: *“When they [the navy] come on board they put the crew on one side and went to the bridge to see the licence,”* adding, *“then they take cartons of fish, grouper, big fish.”*

Suspected corruption in Ghanaian fisheries

Access agreements for natural resources have historically been deeply opaque, with ‘closed-door’ meetings and clandestine deals allowing rent-seeking and corrupt practices to thrive. This lack of transparency often leads to inequitable distribution of benefits and burdens, with local communities missing out on benefits whilst having their environments despoiled, and profits funnelled to a small group of elites.

Ghana has plentiful natural resources – including cocoa, gold, oil and fish. However, despite decades of intensive exploitation of these commodities, there remains little evidence that the public has gained the true, full benefits due from these valuable resources whilst also experiencing localised environmental degradation.⁶⁴ A culture of corruption, stemming in part at least from the colonial era, is a key factor as to why these patterns of injustice persist – part of the so-called ‘resource curse’ that is associated with extractive industries in the Global South.⁶⁵

Despite the high value of fisheries, and the fact that fish is a globally traded commodity, corruption in fisheries remains relatively understudied.⁶⁶ This report highlights that the implementing agencies of fisheries enforcement, including the navy, fisheries observers and port authorities, engage in corruption routinely and relatively openly – with the vast majority of interviewees suggesting they had seen bribery in the form of high-value boxes of fish traded for an official’s silence.

It is in the upper echelons, among high-ranking state officials and international corporate interests, that corruption becomes more difficult to identify with certainty. Corporate anonymity plays a large role in creating this ambiguity, making the task of delineating relationships between local and international business partners difficult for even skilled investigators. Being removed from the ‘front lines’ of fisheries enforcement, those at this level can more plausibly deny knowledge or involvement.

Where evidence is not always available to link more powerful actors to the corruption seen on the ground, a starting point may be to identify the correct questions to ask. In this context, EJP presents the following questions:

- Why was the LU RONG YUAN YU 956 licensed to fish following its failure to pay a US\$ 1 million fine for illegal fishing, only to be further arrested for almost identical offences less than a year later?
- Why has there not been a single instance of IUU fishing by an industrial vessel prosecuted openly through the courts, despite illegal fishing being rife in the country and its presence acknowledged by the government?
- Why is there no example of the minimum fine in the legislation being paid, despite the law requiring that the minimum statutory fine be paid regardless of whether cases are prosecuted in court or subject to out of court settlement?⁶⁷
- Why has the government continued to licence vessels to operate in the country under the Ghanaian flag, despite the open secret that these vessels are beneficially owned by Chinese interests in apparent contravention of Ghana’s own laws?
- How was it possible that for the 10 months between September 2021 and July 2022, industrial trawlers were able to allegedly land quantities of unlicensed small-pelagic and juvenile fish that often far exceed 50% of the total cargo of the vessel (when the by-catch allowance was 15%) unbeknownst to senior officials?

The challenge now for the government in Ghana is to prioritise action to combat corruption in its fisheries sector, applying sufficient resources and the direct support of the Presidents’ office to ensure the full and transparent implementation and enforcement of Ghana’s laws and regulations.

Conclusion

Catalysed by Ghana's receipt of a yellow card from the EU in 2013, a host of civil society organisations and international partners have attempted to support government in ending the IUU fishing that plagues the country's waters. Now, following a second yellow card almost a decade later, this report has shown that rampant IUU fishing and human rights abuses continue to mar vast swathes of the Ghanaian bottom trawl industry. This is despite a change in Presidency, an amended regulatory environment and a substantive turnover of personnel – indicating that there is a deeply entrenched inertia and a high likelihood of corruption, resulting in an indefensible failure by relevant authorities to implement lasting change.

Whilst concepts such as carding systems and IUU fishing may feel somewhat abstract, the actions, and inactions of those in power in the country have devastating human consequences. These can be seen even at a cursory glance towards Ghana's many coastal dwellers, who for generations have sustainably coexisted with, and relied so heavily upon the ocean for their livelihoods. Put simply – these communities are running out of fish – creating spiralling and intergenerational patterns of debt, poverty, suffering and vulnerability.

The environmental and social injustices resulting from the current status quo are myriad, with fishing communities disproportionately bearing the burden of a broken system. Meanwhile, the vast majority of the illicit profits and produce associated with IUU fishing are siphoned into front companies, corrupt officials and large international fishing corporations, predominantly from China – the latest in a line of countries that have sought to systematically appropriate the natural resources of Sub-Saharan Africans.

“These Chinese people, they are treating us wickedly when we go for fishing ... the moment the vessel moves to the sea we the Ghanaians become slaves for them”.

Crew member

The racialised labour system seen on board the trawl vessels calls for immediate attention both nationally and globally. Similar to patterns seen elsewhere within the industrial fishing industry, Ghanaians are forced to live and work in conditions far inferior to their Chinese counterparts - under the constant duress of abuse, violence, dismissal and even death. This subjugation often goes unseen and unreported, leaving those affected voiceless or dismissed by those who continue to profit from the blood, sweat and tears of exploited workers.

If the small pelagic fishery has not already collapsed, on current trajectories it almost certainly will in the very near future. This, coupled with the omnipresent threats posed to fishing communities by global heating, including sea-level rise, coastal erosion, and unpredictable weather patterns, will plunge over 10% of the country's population into crisis. The effects of this will ripple across time and space, with the potential to result in loss of life and social upheaval. This, in a region where so many influential actors have enjoyed the spoils of natural resources with little consequence, would be an unforgivable injustice.

To prevent this, urgent action is needed. Transparency measures, such as those listed in EJFs 10 principles for global transparency,⁶⁸ must be enshrined across all stages of the trawl industry and its supply chain, as well as throughout the various governmental organisations tasked with regulating it. The nefarious criminal networks that continue to exploit Ghana's waters must be identified and held to account, with proportionate and deterrent sanctions levied immediately. Finally, communities must be provided with sufficient support and resources provided to allow them to live rich and self-determined lives. Detailed recommendations are given in the next section.



A Chinese owned trawler in Ghana.

Recommendations

To the government of Ghana

- Appoint, resource, and monitor a high-ranking military or police official to oversee an IUU enforcement taskforce, who will ensure the full implementation of existing and new laws, regulations, and ministerial directives. Such a taskforce should be based on the 'IUU hunter' model in Thailand, with the ability to conduct unannounced audits and interventions, and be managed closely by the Minister of Fisheries and report directly to the office of the President. This taskforce should also operate with the involvement of civil society organisations and other stakeholders who can provide specific expertise and guidance in identifying IUU fishing practices.

Small-scale fishers in Ghana.



- Reform the 2002 Fisheries Act to include a requirement for all applications for industrial fishing licences to be subject to parliamentary approval, as required under Article 268 of the 1992 Constitution.
- Roll out, as soon as possible, on-board CCTV and other remote electronic monitoring techniques to supplement the observer programme and identify illegal fishing and human rights abuses in the industrial trawl fleet.
- Require all registered vessels, and as part of all applications for entering the fleet register, to provide details on ownership arrangements and records on the destination of profits from fishing activities. Unless there can be a clear assurance that a vessel's beneficial owner can be identified and held to account if needed, the state should remove the vessel from their registry or refuse registration.
- Allocate adequate resources to the Ghanaian Commission on Human Rights and Administrative Justice (CHRAJ) to ensure it can fulfil its mandate in relation to human rights abuses in the fisheries sector.
- Publish online lists of vessels registered to their flag and make the relevant information available through the FAO Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels.
- Formalise the recruitment process in Ghana for working on industrial trawlers, facilitated through trade unions such as the National Union of Seamen, Ports and Allied Workers (NUSPAW), to enhance the rights of workers and better ensure safe and fair working conditions, appropriate compensation, and compliance with contractual agreements.
- Immediately end the ongoing saiko industry, including the revocation of licences and application of deterrent sanctions where vessels are found to be landing juveniles and non-target species.
- Ratify the Cape Town Agreement in line with commitments made under the Torremolinos Declaration in 2019 and publicly pledge to ratify the ILO C188 Work in Fishing Convention.
- Ensure all suspected fisheries infringements by foreign-owned vessels, including those of the Chinese DWF flying the local flag, are subject to thorough investigation, and that deterrent sanctions are imposed where violations are confirmed, in accordance with minimum sanctions in the national law and regardless of whether cases are settled in or out of court.
- Enhance port controls to monitor and enforce cargo compliance in line with existing fisheries regulations and licence agreements.

- Develop mechanisms through which crew members and fisheries observers who are employed on DWF vessels can safely and anonymously provide information on IUU fishing and human rights abuses that occur on board vessels. This mechanism should take steps to tackle the incentives and drivers of corruption and failure to report such infractions, including bribery, physical and verbal abuse of crew and observers, and the withholding of wages.
- Undertake extensive studies of coastal livelihoods to develop a nuanced understanding of the multiple and interacting vulnerabilities that communities are facing with a view to reduce precarity and devise alternative or supplementary livelihood options where necessary. Ensure that such studies are conducted in a truly participatory manner, making every effort to be inclusive of marginalised groups within communities, including women and the elderly.

To the European Union

- Cooperate with the government of Ghana through the EU-Ghana IUU Working Group established after the lifting of the yellow card to address illegal and destructive fishing practices, with a specific focus on ending saiko and improving transparency in Ghana's industrial fishing sector.
- Be prepared to use all tools foreseen under the EU IUU Regulation if it is demonstrated that Ghana has failed to discharge its duties under international law as flag, port, coastal or market state and to remedy this situation.
- Bring, through the appropriate channels, IUU fishing risks to the attention of EU Member States, particularly those states which receive the majority of cephalopod imports from Ghana, requiring them to increase scrutiny of fisheries imports stemming from Ghana's trawl sector.
- Bring IUU fishing risks to the attention of importers and other relevant seafood businesses in the EU, particularly in the Member States mentioned above.
- Use the information gathered from EU Member States' verifications to best orient the actions under the auspices of the EU-Ghana IUU Working Group.

To the government of China

- Establish clear guiding principles and requirements for fishing agreements to ensure DWF operations are transparent, legal, and environmentally sustainable.
- Update the national law framework, if necessary, to ensure that Chinese nationals or any natural or legal persons subject to China's jurisdiction, who are responsible for, benefiting from, supporting or engaging in IUU fishing activities by fishing vessels flying the flag of foreign countries (e.g. as operators, effective beneficiaries, owners, logistics and service providers, including insurance providers and other financial service providers) can be prosecuted and subject to deterrent sanctions.
- The above legal framework should include a requirement for the terms of fishing agreements to be published on the Chinese Ministry of Agriculture and Rural Affairs (MARA) website to allow for external scrutiny and oversight of Chinese DWF operations and ensure compliance of operations with local and international laws (e.g. with regard to sustainable levels of exploitation and consideration of scientific advice).
- Amend the Chinese DWF framework to set out minimum standards for sustainability based on scientific assessments, transparency, MCS systems, and the enforcement and legal procedures regarding any violations, to guide the conclusion of bilateral fishing agreements between the Chinese government and coastal states. Equivalent standards should also apply to private agreements between Chinese DWF companies and foreign governments.
- Cooperate with the government of Ghana, and with coastal states that host the Chinese DWF more broadly, to ensure that swift investigation and, where necessary, sanctioning occurs where instances of IUU fishing and human rights abuses are proven.



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