



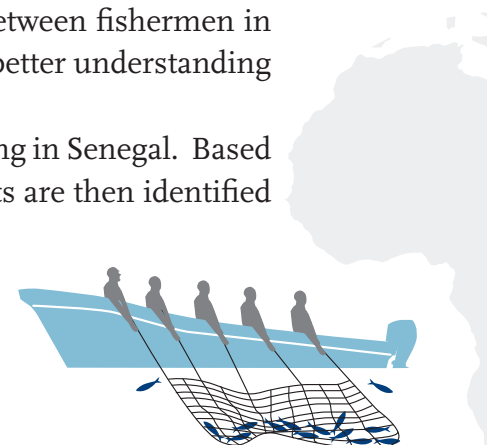
# ARTISANAL FISHING ZONE ISSUES IN THE REPUBLIC OF SENEGAL

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legal and fisheries governance expert**

In the Republic of Senegal, outside of the Marine Protected Areas (MPAs), there is no limitation to artisanal fishing, which can be carried out in the whole of Senegal’s maritime zone. For other types of operations, fishing zones are located beyond 03 nautical miles from the low-water mark. However, there is no zone exclusively reserved to artisanal fishing.

Despite the importance of the fisheries sector, on which a large part of the Senegalese population depends, problems persist, mainly linked to conflicts between fishermen in the different fishing zones. These problems point to the need for a better understanding of the regulations related to artisanal fisheries in this country.

The study presents the different regulations related to artisanal fishing in Senegal. Based on discussions with fishermen, the shortcomings of these legal texts are then identified and recommendations are proposed.



## 1. REGULATIONS:

### **International and regional fisheries regulations applicable in the Republic of Senegal:**

The international legal instruments that can be identified include multilateral conventions that Senegal has signed and ratified. The first convention is the UNCLOS, the second part of which relates to the territorial sea, internal waters and the contiguous zone. However, this Convention does not expressly mention artisanal fishing. On the other hand, the UNFSA contains references to artisanal fisheries, particularly with regard to taking into account the “interests of fishers engaged in artisanal and subsistence fishing”. On the other hand, AMREP contains provisions for the control of artisanal fishing vessels so that they do not engage in IUU fishing.

In addition to these instruments, there are also other non-binding but important international instruments such as the FAO Code of Conduct for Responsible Fisheries.

Concerning the relevant regional legal instruments, we can mention the treaty creating the Economic Community of West African States (ECOWAS), the regulation n°05/2007/CM/UEMOA adopting the concerted management plan for fisheries and aquaculture within UEMOA, as well as other conventions and instruments that deal with certain issues related to artisanal fisheries.

Senegal is also bound by bilateral agreements on access to fisheries resources with other African states in the region (Guinea-Bissau, Mauritania, Liberia, Cape Verde, Gambia) which may affect the rights of Senegalese fishermen in the waters of other coastal states and vice versa.

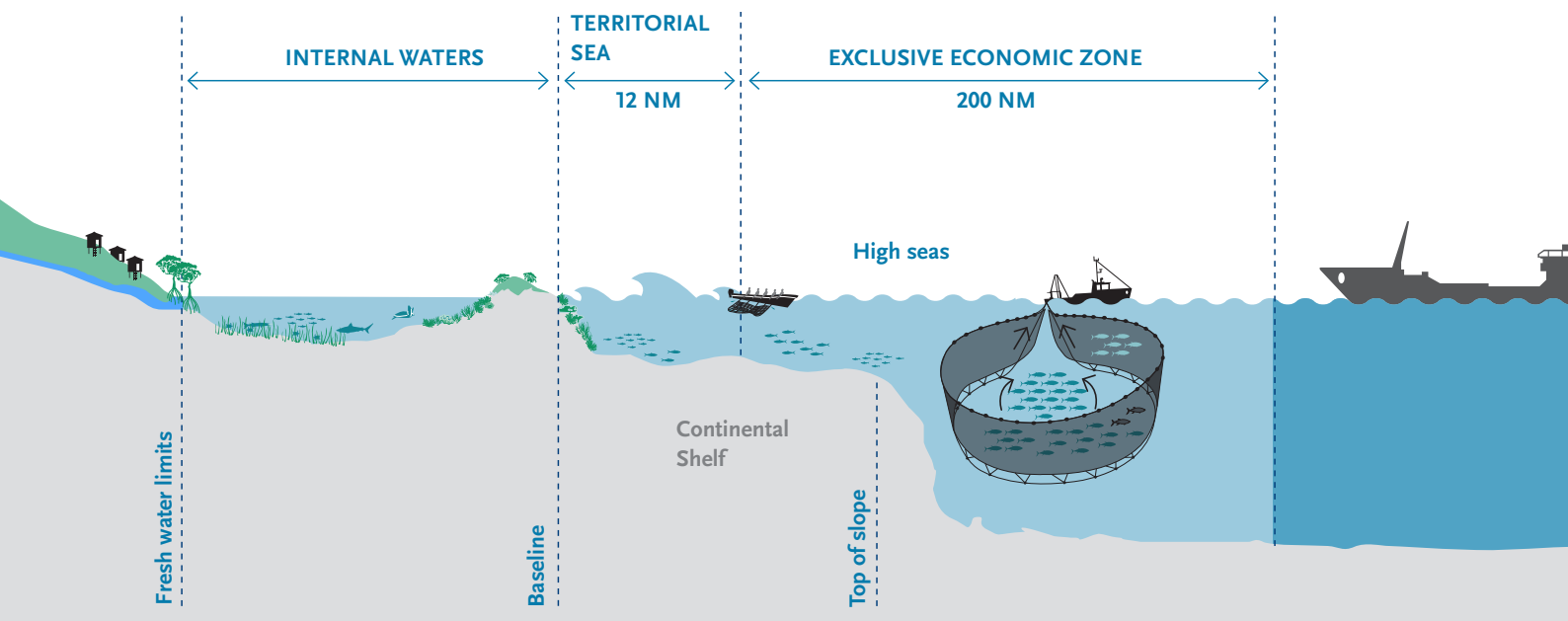
### National regulations on artisanal fishing zones:

Senegalese legislation includes a regulation of artisanal fishing with reserved fishing areas, registration of pirogues, introduction of fishing permits etc. In particular, Law No. 2015-18 of 13 July 2015 on the Maritime Fishing Code (MFC) defines artisanal fishing, artisanal fishing vessels and maritime waters under Senegalese jurisdiction. This code also provided for the establishment of protected maritime areas which were then specified in the implementing texts.

The Law n°2015-18 of 13 July 2015 on the Maritime Fishing Code does not expressly institute an artisanal fishing zone, but Article 24 states that the State may reserve certain zones for exploitation by artisanal fishermen.

The Decree No. 2016-1804 of 22 July 2016 implementing this law sets out in its Section 3 the modalities for designating Senegalese fishing zones. Depending on the nature of the vessel, vessels will be licensed to fish in different zones that can go from 3 to 15 nautical miles from a reference line.

The Maritime Fishing Code and its implementing decree also set out the penalties for fishing in prohibited areas. Finally, we can also mention the Merchant Navy Code and its implementing decree n° 2004-283 which regulate the conditions of registration and marking of vessels.



Delimitation of maritime zones according to international law

## 2. ISSUES

The main issue that can delay or even block access to artisanal fishing areas is mainly related to **obtaining a fishing permit** under Article 68 of the MFC. There are several prerequisites for obtaining this permit:

- Firstly, this permit **requires prior authorisation** before the import, construction or acquisition of a new vessel or fishing gear or its conversion into a fishing vessel; this authorisation is given by an administrative authority, but in practice boats are built, bought or converted in the absence of this authorisation for several reasons: ignorance of the regulations in force, the informal nature of the artisanal fisheries sub-sector, or the lack of expertise within the administration responsible for authorisations.
- Secondly, the fishing permit requires **the registration of the boat**. However, the rapid proliferation of the artisanal fishing fleet has led the authorities to freeze the granting of new registrations, which keeps the artisanal fishing sector informal (this can also be explained by the high rate of ignorance of French, which is the language of official texts). In addition, there is a disparity in registration between the Merchant Navy Code and the Maritime Fishing Code. While the former requires registration for artisanal fishing boats, the latter creates an exemption for these boats.
- On the other hand, the need for registration on a regional (and national) register is problematic as regional registers **have not yet been created**. As a result, Senegal is unable to control the entry and exit of artisanal fishing vessels in its waters. In the same context, the obligation to mark fishing gear is enshrined in the MFC, but the decree that should set out the specific conditions for the use of certain artisanal fishing gear **has not yet been established** (which increases the loss of artisanal fishermen's nets in areas shared with industrial fishing, where industrial boats take away artisanal fishermen's nets).
- Finally, other specific issues such as the lack of a framework for artisanal fishing access to the Senegalese EEZ or the high seas, the development of chartering contracts in the fisheries sector or the lack of conditions for exercising participatory surveillance of fishing zones further complicate the main issue of fishing permits.

Photo: Mamadou Aliou Diallo.



## RECOMMENDATIONS:

- Fill legal gaps, such as those related to access to the Senegalese EEZ or to the conditions for obtaining fishing permits, and harmonise existing legal texts, such as the disparity between the MFC and the merchant marine code regarding registration;
- Popularise the regulations and policies on the conditions of access to fishing zones;
- Strengthen participatory monitoring through legislation;
- Create a national register (and regional registers) to identify fishing vessels;
- Finalise the procedures for registering vessels;
- Put in place mechanisms for conflict prevention and resolution that take into consideration the interests of artisanal fishermen;
- Professionalise the artisanal fisheries sector to bring it out of its informal framework;
- Developing the technical and human capacities of institutions such as ICCAT or CECAF of the FAO and of the captains of pirogues;
- Developing appropriate tools to evaluate the socio-economic impacts of the artisanal fisheries sector on local communities;
- Push regional organisations, such as ECOWAS and UEMOA, to support fishing zones reserved for artisanal fishers.



Photo: Mamadou Aliou Diallo.

### Note :

This is the summary of a report which was commissioned by **CAOPA** with the support of the **Coalition for Fair Fisheries Arrangements (CFFA)** and the **Swedish Society for Nature Conservation (SSNC)** and written by Ms **Diénaba Bèye Traoré**, an international consultant, legal and fisheries governance expert.

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