

FINAL REPORT

ARTISANAL FISHING ZONE ISSUES IN THE REPUBLIC OF SIERRA LEONE

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By Ms. Diénaba BEYE TRAORE,
international consultant, legal
and fisheries governance expert



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TABLE OF CONTENTS

LIST OF ACRONYMS	5
LIST OF TABLES	5
LIST OF FIGURES	5
BACKGROUND	6
METHODOLOGY	6
INTRODUCTION	7
PART I. INTERNATIONAL AND REGIONAL REGULATIONS ON FISHING ZONES APPLICABLE IN THE REPUBLIC OF SIERRA LEONE	8
SECTION I. RELEVANT INTERNATIONAL LEGAL INSTRUMENTS AND INSTITUTIONS APPLICABLE TO FISHING ZONES	8
1.1. Relevant international legal instruments for artisanal fisheries	8
1.1.1. Binding international legal instruments	8
1.1.1.1. United Nations Convention on the Law of the Sea (UNCLOS)	8
1.1.1.2. Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (Compliance Agreement, 1993)	10
1.1.1.3. United Nations Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA, 1995)	10
1.1.1.4. Agreement on Port State Measures to Prevent, Deter and Eliminate IUU Fishing (PSMA, FAO 2009)	10
1.1.2. Non-binding international legal instruments	11
1.1.2.1. Code of Conduct for Responsible Fisheries (CCRF)	11
1.1.2.2. Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (Small-Scale Fisheries Guidelines)	11
1.1.2.3. International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU 2001)	12
1.2. Relevant international institutions for artisanal fisheries	12
1.2.1. International Commission for the Conservation of Atlantic Tunas (ICCAT)	13
1.2.2. FAO Fishery Committee for the Eastern Central Atlantic (CECAF)	14
SECTION II. RELEVANT REGIONAL LEGAL INSTRUMENTS APPLICABLE TO ARTISANAL FISHING ZONES	15
2.1. Legal instruments of relevant African regional organisations	15
2.1.1. Policy Framework and Reform Strategy for Fisheries and Aquaculture in Africa (PFRS)	15
2.1.2. Treaty of 28 May 1975 establishing the Economic Community of West African States (ECOWAS), revised on 24 July 1993	15
2.2. Convention on the determination of the minimal conditions for access and ex-	

ploitation of marine resources within the maritime zones under the jurisdiction of the SRFC’s Member States, adopted in June 2012 (MCA Convention) _____	16
2.3. Convention on sub-regional cooperation in the exercise of maritime hot pursuit (Convention on maritime hot pursuit, 1993) and its Protocol relative to practical modalities of coordination of surveillance operations in Member States of the SRFC (Maritime hot pursuit protocol, 1993) _____	16
SECTION III. BILATERAL AGREEMENTS ON ACCESS TO FISHERIES RESOURCES _____	17
PART II. NATIONAL REGULATIONS ON ARTISANAL FISHING ZONES _____	17
SECTION I. PRESENTATION OF THE NATIONAL REGULATIONS ON ARTISANAL FISHING ZONES IN THE REPUBLIC OF SIERRA LEONE _____	17
1.1. Sierra Leonean regulations on fishing zones _____	17
1.1.1. The Fisheries and Aquaculture Act, 2018 – Act No. 48 of 2018 _____	17
1.1.2. The Fisheries and Aquaculture Regulations, 2019 implementing the Fisheries and Aquaculture Act, 2018 _____	18
SECTION II. SHORTCOMINGS AND DIFFICULTIES IN APPLYING NATIONAL REGULATIONS ON ARTISANAL FISHING ZONES _____	20
2.1. Shortcomings related to non-compliance with regulations on access to Sierra Leonean fishing zones _____	21
2.1.1. Non-compliance with the mandatory prior authorisation before importing, constructing or acquiring a new vessel or fishing gear or its conversion into a fishing vessel _____	21
2.1.2. Challenges related to the obligation to register and mark artisanal fishing vessels _____	22
2.2. Challenges related to the lack of a participatory monitoring system _____	22
2.3. Shortcomings related to the non-existence of clearly defined maritime borders between the Republic of Guinea and the Republic of Sierra Leone _____	23
RECOMMENDATIONS FOR THE REPUBLIC OF SIERRA LEONE _____	24
CONCLUSION _____	25

LIST OF ACRONYMS

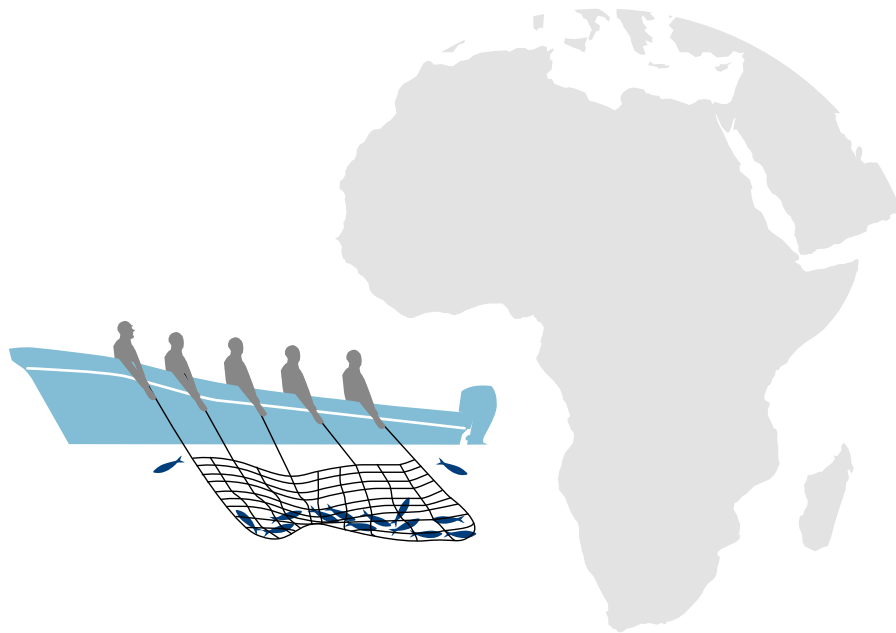
ATLAFCO	Ministerial Conference on Fisheries Cooperation among African States Bordering the Atlantic Ocean
AU	African Union
CCRF	Code of Conduct for Responsible Fisheries
EEZ	Exclusive Economic Zone
FAO	Food and Agricultural Organization of the United Nations
FDMP	Fisheries Development and Management Plan
GDP	Gross domestic product
ICCAT/CICTA	International Commission for the Conservation of Atlantic Tunas
IPOA-IUU	International Plan of Action to Prevent, Deter and Eliminate IUU Fishing
IUU	Illegal, Unreported and Unregulated
MCS	Monitoring, Control, Surveillance
MFAME	Ministry of Fisheries, Aquaculture and Maritime Economy (Guinea)
MFC	Maritime Fisheries Code
MoFMR	Ministry of Fisheries and Marine Resources (Sierra Leone)
NPOA-IUU	National Plan of Action to Prevent, Deter and Eliminate IUU Fishing
PFRS	Policy Framework and Reform Strategy for Fisheries and Aquaculture in Africa
PSM	Port State Measures
PSMA	Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (FAO 2009)
SRFC	Sub-Regional Fisheries Commission
SSFG	Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries
UNCLOS	United Nations Convention on the Law of the Sea
UNFSA	United Nations Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks (1995)
VMS	Vessel Monitoring System

LIST OF FIGURES

Figure 1	Delimitation of maritime zones according to international law	9
Figure 2	Inshore Exclusion Zone of Sierra Leone	20
Figure 3	EEZ – Location map of Guinea and Republic of Sierra Leone	23

LIST OF TABLES

Table 1	Rules on penalties for fishing in prohibited zones	20
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BACKGROUND

Recognising the key role that the artisanal fisheries sub-sector plays in the socio-economic development, including food and nutritional security, of communities and in the fight against poverty in countries, the United Nations General Assembly has declared 2022 the “International Year of Artisanal Fisheries and Aquaculture” (IYAFA 2022). In view of this, the African Confederation of Professional Organizations of Artisanal Fisheries (CAOPA), with support from the Coalition for Fair Fisheries Arrangements (CFFA), commissioned a study on regulations on artisanal fishing zones in order to document the challenges faced by artisanal fishers in maritime waters under the jurisdiction of the Republic of Sierra Leone. It should be noted that this work was conducted against a background of restricted movements made necessary by the fight against the COVID-19 pandemic, which has affected the entire value chain of fishery products.

METHODOLOGY

The methodological approach involved a synthesis of the literature combined with research in the zone studied and field data collections. The research visits were conducted on separate occasions with the administration and with artisanal fisheries professionals respectively. They took place from 17 to 31 May 2021.



Photo: Random Institute/Unsplash

SDG 14.b. calls on States to provide access to artisanal fisheries to marine resources and markets.

INTRODUCTION

The Republic of Sierra Leone is bordered to the northwest by the Republic of Guinea, to the south by the Republic of Liberia and to the southwest by the northern Atlantic Ocean. The country has 560 km of coastline and an EEZ of 166,058 km². The Inshore Exclusion Zone is set at 6 nautical miles calculated from the baseline.

The fisheries sector provides employment directly or indirectly to 125,000 people (representing almost 10% of the population) and 25% of the working population. Revenue from fisheries in 2020 is estimated at USD 18.10 million, representing almost 12% of the country's GDP. There are estimated to be 7,000 pirogues in the artisanal fleet, which fish all species, particularly small pelagics. More than 70% of landings are carried out by this fleet, thus contributing to the food and nutritional security of the community. Industrial fishing vessels mainly exploit small pelagics, coastal demersal fisheries and tuna fisheries.

Internationally, it is worth noting the Sustainable Development Goals (SDGs) adopted in September 2015 by the 70th General Assembly of the United Nations, as part of the 2030 Agenda for Sustainable Development (ASD-H2030). SDG 14.b. is particularly significant in that it calls on States to “Provide access for small-scale artisanal fishers to marine resources and markets”.¹

The regulations on artisanal fishing zones in the Republic of Sierra Leone have been analysed against this background, to gain a better understanding of the shortcomings and gaps to be addressed so as to guarantee the rights of artisanal fishers “to a secure and just livelihood, as well as preferential access, where appropriate, to traditional fishing grounds and resources in the waters under their national jurisdiction” (Article 6.18 CCRF).

This study contains two main parts, one outlining international and regional regulations on fishing zones applicable in the Republic of Sierra Leone (Part I), the other examining national regulations on fishing zones, including shortcomings identified therein. Recommendations are made to improve how the specific features of artisanal fisheries are taken into account in regulations on maritime zoning (Part II).

1 See: <https://www.fao.org/sustainable-development-goals/indicators/14b1/en/>

PART I.

INTERNATIONAL AND REGIONAL REGULATIONS ON FISHING ZONES APPLICABLE IN THE REPUBLIC OF SIERRA LEONE

The Republic of Sierra Leone is a party to **international and regional** instruments relevant to artisanal fishing zones, and also a member of multilateral institutions concerned with cooperation and sustainable management of fisheries resources.

SECTION I.

RELEVANT INTERNATIONAL LEGAL INSTRUMENTS AND INSTITUTIONS APPLICABLE TO FISHING ZONES

Certain international legal instruments relevant to fishing zones are binding, while others are voluntary.

1.1. Relevant international legal instruments for artisanal fisheries

1.1.1. Binding international legal instruments

- 1982 United Nations Convention on the Law of the Sea (UNCLOS);
- 1995 Fish Stocks Agreement;
- Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (FAO Compliance Agreement, 1993);
- Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA, FAO 2009).

1.1.1.1. United Nations Convention on the Law of the Sea (UNCLOS)

UNCLOS provides, inter alia, rules for zones inside and outside maritime waters under national jurisdiction. The provisions related to territorial seas, including internal waters and the contiguous zone (Part II of UNCLOS), are the most important for artisanal

fisheries as the latter are in most cases traditionally carried out in maritime zones within 12 nautical miles of straight baselines. The correct delimitation of these straight baselines by a country is crucial, as they are the starting point for calculating the width of national maritime spaces (Article 7).

Regarding artisanal fisheries, UNCLOS does not expressly use the words “artisanal fisheries”, but instead uses the term “...coastal fishing communities...” (Article 61 para 3). The absence of the term “artisanal fisheries” is understandable, since the socio-economic importance of artisanal fisheries for States has evolved since the adoption of UNCLOS in 1982, and has become strategic for the food and nutritional security of communities and the fight against poverty.

Furthermore, Article 73 UNCLOS provides that in the event of a fishing violation in maritime waters under its national jurisdiction, the coastal State, in exercising its sovereign rights to explore, exploit, conserve and manage the living resources in the EEZ, may report and penalise any fishing vessel. These penalties may not include imprisonment, unless otherwise agreed between the coastal State and the flag State concerned, or any other corporal punishment. It is important to remember this provision, as many artisanal fishers report legally unfounded abuses, especially when they are prosecuted, without authorisation, for a fishing violation.

The Republic of Sierra Leone ratified UNCLOS on 12 December 1994

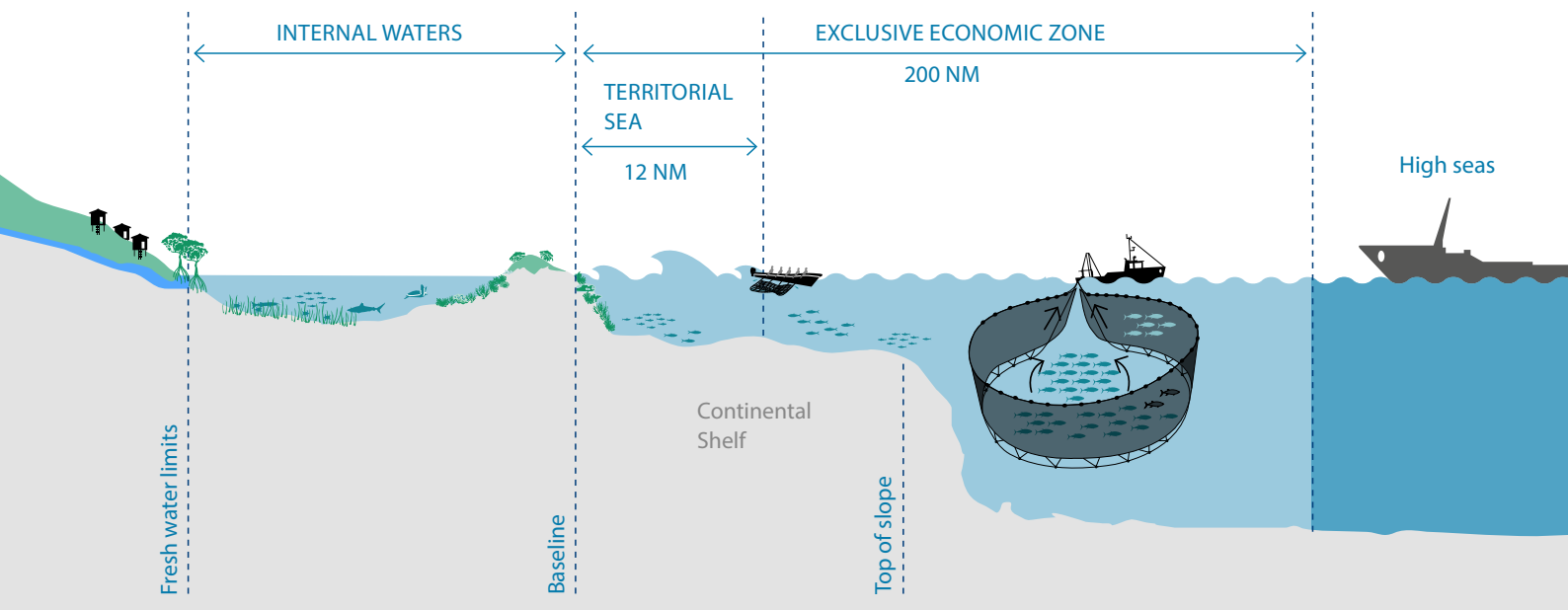


Figure 1: Delimitation of maritime zones according to international law

1.1.1.2. Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (Compliance Agreement, 1993)

Artisanal fishers are, in principle, supposed to operate in the coastal zone. However, increasingly, due to the scarcity of fish resources, they are moving away from the coast to fish. As such, the Compliance Agreement is likely to apply to artisanal fisheries. This agreement applies to all fishing vessels used or intended to be used for fishing on the **high seas**.² A party may **exempt** fishing vessels of less than 24 metres in length entitled to fly its flag from the application of this Agreement unless the Party determines that such an exemption would undermine the object and purpose of this Agreement.³

The Republic of Sierra Leone is not a party to the Compliance Agreement, however the Fisheries and Aquaculture Act reflects its provisions, notably concerning the requirement for vessels flying the Sierra Leonean flag to comply with conservation and management measures for fish resources when on the high seas (Section 32 (2) subsection (1) (b)).

1.1.1.3. United Nations Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA, 1995)

The UNFSA contains specific provisions that refer to artisanal fishing zones. According to the Agreement, in carrying out their duty to conserve and manage straddling and highly migratory fish stocks in zones under national jurisdiction, coastal States shall, inter alia, “... take into account the interests of artisanal and subsistence fishers” (Article 5 para i).

In addition, the UNFSA introduces an obligation to cooperate in establishing conservation and management measures for the fish stocks in question, placing a responsibility on States to take into account the special needs of developing States, including “... the need to avoid adverse impacts on, and ensure access to fisheries by, subsistence, small-scale and artisanal fishers and women fishworkers, as well as indigenous people in developing States, particularly small island developing States” (Article 24 2 (b)).

The Republic of Sierra Leone is not a party to the Fish Stocks Agreement, however the 2018 Fisheries and Aquaculture Act reflects its provisions, notably concerning the requirement for vessels flying the Sierra Leonean flag to comply with conservation and management measures for fish resources when on the areas under national jurisdiction or on the high seas (Section 12 (4)), Section 32 (2).

1.1.1.4 Agreement on Port State Measures to Prevent, Deter and Eliminate IUU Fishing (PSMA, FAO 2009)

The PSMA applies to any vessel used or intended to be used for fishing, including support vessels, vessels for transporting and any other vessel directly involved in such fishing (Article 3).

2 Article II, paragraph 2

3 Article II, paragraph 3

However, artisanal fishing vessels, despite being considered fishing vessels under the UNCLOS definition, benefit from special treatment under the application of the PSMA, which requires cooperation through agreements or arrangements between neighbouring States for controlling artisanal fishing vessels, so that they do not engage in illegal fishing.

Artisanal fishing ports are not covered by the PSMA.

The Republic of Sierra Leone ratified the PSMA on 30 May 2017.

1.1.2 Non-binding international legal instruments

- Code of Conduct for Responsible Fisheries (CCRF, 1995);
- Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (Small-Scale Fisheries Guidelines, 2014); International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and
- Unregulated Fishing (2001).

1.1.2.1 Code of Conduct for Responsible Fisheries (CCRF)

The CCRF provides artisanal fishers with preferential access in waters under national jurisdiction. The Code stipulates that States should protect the rights of artisanal fishers “to a secure and just livelihood, as well as preferential access, where appropriate, to traditional fishing grounds and resources in the waters under their national jurisdiction” (paragraph 6.18 CCRF).

1.1.2.2 Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (Small-Scale Fisheries Guidelines)

Building on paragraph 6.18 of the CCRF, the Small-Scale Fisheries Guidelines stipulate that States should take into account the following: “specific measures, inter alia, the creation and enforcement of exclusive zones for small-scale fisheries, should be considered. Small-scale fisheries should be given due consideration before agreements on resource access are entered into with third countries and third parties” (paragraph 5.7 SSFG).

Preferential access for artisanal fisheries under the SSFG may take the form of exclusive or restricted access for artisanal fishers. Restricted or prohibited access to a specific artisanal fishing zone may limit or prohibit a number of people or groups of people, vessels or fishing gear in a specific zone. Regulations may expressly or tacitly identify the permitted zones in which artisanal fishing operations may be carried out and stipulate the access conditions. Sierra Leone provides the basis for delimitation of fishing zones reserved for artisanal fishers, and restricts or prohibits other activities such as those carried out by industrial fisheries.



Photo: Random Institute/Unsplash

ICCAT does not have specific protection measures for artisanal fishers who fish for tuna species.

1.1.2.3 International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU 2001)

It is important to mention the IPOA-IUU again, as this basic instrument for combating IUU fishing encourages States to ensure the full participation and involvement of all **interested stakeholders**, including artisanal fishing communities, in all their programmes and projects to combat illegal fishing.⁴ It clarifies the respective roles of coastal, port, flag and market States in terms of their obligations to combat illegal fishing irrespective of the zone in which the offence is committed.

The Republic of Sierra Leone does not yet have an NPOA-IUU, however Section 12 (5) of the 2018 Fisheries and Aquaculture Act (FAA) provides for the establishment of an NPOA-IUU after a period of six months following the FAA's entry into force.

1.2. Relevant international institutions for artisanal fisheries

In addition to international legal instruments on fisheries, there are international organisations responsible for fisheries, and their decisions are binding on contracting State parties. This is the case with the International Commission for the Conservation of Atlantic Tunas (ICCAT)⁵ and the Indian Ocean Tuna Commission (IOTC). Conversely, other international institutions, notably the Fishery Committee for the Eastern Central Atlantic (CECAF/FAO), make recommendations to their Member States. ICCAT, IOTC and CECAF are cited in this study because their resolutions and recommendations apply

⁴ Paragraphs 9.1 (participation and coordination principles) and 25.

⁵ ICCAT was created by Art XIV para 1 of the Final Act of the Conference of Plenipotentiaries on the Conservation of Atlantic Tunas signed in 1966, entered into force in 1969, and was amended in 1984 and 1992.

The Agreement establishing the IOTC was signed on 25 November 1993 and entered into force on 27 March 1996, following the accession of the tenth Contracting Party (or member) to the IOTC. Its competence extends geographically to the Atlantic Ocean and adjacent seas and their resources of tuna and other related species.

to artisanal fisheries operating in their respective zones of jurisdiction and are **legally binding** for the contracting parties (with the exception of the CECAF recommendations).

1.2.1 International Commission for the Conservation of Atlantic Tunas (ICCAT)

ICCAT's geographical competence extends to the Atlantic Ocean and adjacent seas, to the Indian Ocean and to the management of tuna and other related species there.

This institution has not taken any specific protection measures for artisanal fishers who now operate in increasingly remote zones and fish for tuna species that do not feature much in industrial tuna fisheries (small tunas, swordfish, sailfish, etc.). However, it is worth noting some relevant ICCAT recommendations for small-scale tuna fishing operations, in particular:

- **ICCAT Resolution 2015-13**, which applies to the entire ICCAT zone of competence, includes among the criteria for allocating fishing possibilities in the Atlantic:
 - consideration of the interests of coastal fishers engaged in artisanal, subsistence and small-scale fishing.
 - the needs of the coastal fishing communities which are dependent mainly on fishing for the stocks.
 - the needs of the coastal States of the region whose economies are overwhelmingly dependent on the exploitation of living marine resources, including those regulated by ICCAT.⁶

- **Recommendation No 2014-09 on minimum standards for the establishment of a vessel monitoring system in the ICCAT Convention Zone**, which requires each contracting party, cooperating non-contracting party, entity or fishing entity to implement a vessel monitoring system for its commercial fishing vessels exceeding 20 m between perpendiculars or 24 m length overall.

Fishing vessels must be equipped with an autonomous system capable of automatically transmitting a message allowing continuous monitoring of their position.

- **Recommendation No 2013-13 on the establishment of an ICCAT record of vessels 20 metres in length overall or greater** (hereinafter referred to as “large-scale fishing vessels” or “LSFVs”) **authorised to fish in the Convention Zone**, which prohibits LSFVs not entered into the record from fishing for, retaining on board, transshipping or landing tuna or tuna-like species. Each contracting party, cooperating non-contracting party, entity or fishing entity shall forward to ICCAT the list of LSFVs authorised to fish in the Convention Zone.

The Republic of Sierra Leone has been a contracting party to ICCAT since 13 October 2008.

⁶ Resolution 15-13 of ICCAT, Section III, C.

1.2.2. FAO Fishery Committee for the Eastern Central Atlantic (CECAF)

CECAF, an advisory body to the FAO, is very important for small-scale fisheries. Indeed, one of the three working groups⁷ (MCS) of this institution has been conducting research since 2015 on emerging aspects in artisanal fisheries, including the implementation of voluntary guidelines aimed at ensuring the sustainability of artisanal fisheries.

CECAF's geographical competence extends to 21 coastal States from the Kingdom of Morocco to the Republic of Angola. Since the adoption of UNCLOS in 1982, CECAF has focused its work primarily on coastal zones within exclusive economic zones.

The Republic of Sierra Leone is a Member State of FAO and therefore of CECAF.

⁷ In 2000, the MCS decided to set up 3 working groups: i) small pelagics ii) demersal species and iii) artisanal fisheries;



Photo: Canva Pro.

Since 1982, CECAF has focused its work primarily on coastal zones within exclusive economic zones.

SECTION II.

RELEVANT REGIONAL LEGAL INSTRUMENTS APPLICABLE TO ARTISANAL FISHING ZONES

The main regional legal instruments of relevance to our study are the:

- Policy Framework and Reform Strategy for Fisheries and Aquaculture in Africa (PFRS);
- Treaty establishing the Economic Community of West African States (ECOWAS);
- Convention on the determination of the minimal conditions for access and exploitation of marine resources within the maritime zones under the jurisdiction of the SRFC's Member States, revised and adopted in June 2012 (MCA Convention);
- 1993 Convention on sub-regional cooperation in the exercise of maritime hot pursuit and its protocol relative to practical modalities of coordination of surveillance operations in Member States of the SRFC.

2.1. Legal instruments of relevant African regional organisations

2.1.1. Policy Framework and Reform Strategy for Fisheries and Aquaculture in Africa (PFRS)

The Policy Framework and Reform Strategy for Fisheries and Aquaculture in Africa (PFRS) is the African Union's strategic policy document for the sector. It contains an important component on promoting sustainable artisanal fisheries in Africa, which takes into account the FAO's Small-Scale Fisheries Guidelines. The alignment of African States' sectoral policies with the PFRS could provide them with a coherent and internationally recognised instrument for the sustainable governance of fisheries, including artisanal fisheries.

2.1.2. Treaty of 28 May 1975 establishing the Economic Community of West African States (ECOWAS), revised on 24 July 1993

The Economic Community of West African States (ECOWAS) is still reluctant when it comes to using regulations or directives on fisheries. It jointly implements the Programme for Improved Regional Fisheries Governance in Western Africa (PESCAO) with the FAO and the European Union. This project aims at the improvement of ecosystem knowledge and scientific advice as well as the management and resilience of small pelagic fisheries.

However, it is worth mentioning here the Treaty establishing ECOWAS, notably Article 25 (c) which provides that "... Member States shall co-operate in the development of agriculture, forestry, livestock and fisheries" in order to ensure: "... the development and protection of marine and fishery resources." On this basis, and in line with its status as a regional economic integration organisation, ECOWAS **could introduce a specific regulation on artisanal fisheries that grants fishing zones reserved** for professionals in the artisanal sub-sector.

The Republic of Sierra Leone is a Member State of ECOWAS.

2.2. Convention on the determination of the minimal conditions for access and exploitation of marine resources within the maritime zones under the jurisdiction of the SRFC's Member States, adopted in June 2012 (MCA Convention)

The MCA Convention, a regionally agreed and harmonised instrument for regulating fisheries, contains special provisions applicable to artisanal fisheries (Sub-title II of the MCA Convention). These relate to the definition of artisanal fisheries⁸, the obligation to register, identify and mark artisanal fishing vessels⁹, the regulation of access to artisanal fishing¹⁰ and the protection of artisanal fisheries through monitoring, control and surveillance systems¹¹. Article 20 on the characterisation of artisanal fisheries mentions in paragraph 1 that artisanal fisheries are carried out, among others, in a zone close to the shore; this is without prejudice to specific options provided for by the national legislations of the SRFC Member States.

The Republic of Sierra Leone qualifies an artisanal fishing vessel according to its length (not more than 10 m) and its engine power (not exceeding 40 hp), whether it is decked or not¹².

The fishing zone as a criterion for defining an artisanal fishing vessel is therefore not included in Sierra Leonean national legislation.

Among the minimum information that must be included in artisanal fishing permits, the MCA Convention does not include a section on authorised fishing zones¹³. Does this mean that the MCA Convention allows free access to all fishing zones for fishing vessels operating in waters under the national jurisdiction of its Member States?

The Republic of Sierra Leone signed the MCA Convention on 8 June 2012.

2.3. Convention on sub-regional cooperation in the exercise of maritime hot pursuit (Convention on maritime hot pursuit, 1993) and its Protocol relative to practical modalities of coordination of surveillance operations in Member States of the SRFC (Maritime hot pursuit protocol, 1993)

The Convention on the right of maritime hot pursuit and its Protocol set out the general principles governing the right of maritime hot pursuit exercised by any State party, in respect of any foreign vessel flying the flag of SRFC non-Member States and operating in waters under its national jurisdiction which, after standard unsuccessful warnings, attempts to escape the control of an aircraft or a vessel in the service of that State. This applies to all foreign vessels, including artisanal fishing boats. They constitute an application of Article III of UNCLOS.

The Republic of Sierra Leone has ratified the Convention on maritime hot pursuit and its Protocol on practical modalities of coordination of surveillance operations in Member States of the SRFC.

8 Article 20.

9 Article 21.

10 Article 23.

11 Article 24.

12 See Sierra Leone: Fisheries and Aquaculture Act, 2018: Section 1.

13 See MCA Convention, Annex II – B: Minimum information needing to appear on artisanal fishery permits

SECTION III. BILATERAL AGREEMENTS ON ACCESS TO FISHERIES RESOURCES

The Republic of Sierra Leone has not signed any bilateral agreements on access to fishing zones with third States.

PART II. NATIONAL REGULATIONS ON ARTISANAL FISHING ZONES

SECTION I. PRESENTATION OF THE NATIONAL REGULATI- ONS ON ARTISANAL FISHING ZONES IN THE REPUBLIC OF SIERRA LEONE

1.1. Sierra Leonean regulations on fishing zones

The regulations on fishing zones is mainly provided for in the Fisheries and Aquaculture Act, 2018 (Act No. 48 of 2018) and its 2019 Implementing General Regulations (the Fisheries and Aquaculture Regulations, 2019).

1.1.1. The Fisheries and Aquaculture Act, 2018 – Act No. 48 of 2018 The “Interpretation” Section of the Fisheries and Aquaculture Act of the Republic of Sierra Leone, 2018 (FAA) states the following:

“**artisanal fishing**” means small-scale, or commercial fishing using an artisanal fishing vessel and gear where the owner is directly involved in the day-to-day running of the enterprise.”

“**artisanal fishing vessel**” means any fishing vessel, canoe or undecked vessel with a length overall of not more than 10 metres and which is motorised or not motorised, powered by an outboard or inboard engine not exceeding 40 horsepower, sails or paddles, and does not include decked or undecked semi-industrial fishing vessels or vessels used for recreational fishing.”

“The **“Inshore Exclusion Zone”** consists of all waters seawards of the low-water line along the coast of Sierra Leone to the line connecting the following coordinates of latitude and longitude as may be defined in Regulations made under this Act.”

Based on these interpretations, Part IV, Section 18 (subsections 1 to 3) of the Fisheries and Aquaculture Act is aimed at artisanal fisheries and requires the Director of Fisheries, in collaboration with relevant stakeholders, to promote opportunities for the development of sustainable artisanal fisheries.

Paragraph 1 of this Section states that the Inshore Exclusion Zone is reserved for artisanal and recreational fishing, but does not give any indication as to the width of this maritime space.

The Inshore Exclusion Zone is therefore delimited by points connected from the border in the north with the Republic of Guinea to the border in the south with the Republic of Liberia. Artisanal fishing vessels are thus protected there by the fisheries regulations of the Republic of Sierra Leone.

According to the fisheries administration interviewed, any industrial fishing vessel that destroys artisanal fishing gear shall not only pay for the replacement of the damaged fishing nets, but also compensate the artisanal fishers for lost fishing time, in addition to a heavy penalty for fishing in a prohibited zone.

In addition, all licensed industrial fishing vessels are required to be equipped with a working, state-of-the-art, satellite Vessel Monitoring System (VMS) which is connected to the offices of the majority of senior officials, including both the Minister and Director of Fisheries. An incursion into the Inshore Exclusion Zone by an industrial fishing vessel would be “suicidal” according to the fisheries administration. However, rare incursions into the IEZ have been reported, especially at night. Meanwhile, the administration and professional artisanal fisheries organisations have acknowledged regular incursions by artisanal fishers into marine protected zones (MPAs) to fish for juveniles. It seems that the fisheries authorities take a conciliatory approach towards the latter.

Therefore, **beyond the Inshore Exclusion Zone**, fishing can be carried out by all motorised fishing vessels including industrial fishing vessels. It appears that the fisheries administration often advises motorised artisanal fishers to use reflective buoys and torches to indicate their fishing nets to industrial fishers. Nevertheless, conflicts arise in these zones due to negligence or rules not followed by one or both parties.

Regarding the fishing rights of foreign vessels in waters under Sierra Leonean jurisdiction, the Fisheries and Aquaculture Act remains silent about the requirement for a prior fishing agreement between the Republic of Sierra Leone and the flag State or a body representing it, as is the case in the Republic of Senegal and the Republic of Guinea.

1.1.2. The Fisheries and Aquaculture Regulations, 2019 implementing the Fisheries and Aquaculture Act, 2018

The 2019 Regulations apply to zones and persons under the jurisdiction of the Republic of Sierra Leone in accordance with Act No. 11 of 1996, the Maritime Zone Establishment Act (Section 2). Section 7 subsection 3 of the Regulations expressly prohibits unauthorised



Photo: Canva Pro.

Section 4.2 of the Fisheries and Aquaculture Regulations states that the Inshore Exclusion Zone is reserved for artisanal and recreational fishing.

fishing operations in all maritime zones under national jurisdiction including the Inshore Exclusion Zone. The same prohibition applies to Sierra Leonean-flagged fishing vessels operating without authorisation on the high seas or in waters under the jurisdiction of another coastal State.

In addition, nobody may use a fishing vessel to operate in the fishing zones of the Republic of Sierra Leone unless it holds a valid certificate of registration issued by the Director of Fisheries, notwithstanding any registration requirement under the Merchant Shipping Act (Section 13 subsection 1 of the FAA). In addition, before importing, constructing or acquiring a new vessel or converting it into a fishing vessel, prior authorisation from the Director of Fisheries is required.

This authorisation is required to manage fishing capacity, ensure that the vessel is not engaged in or supporting IUU fishing, verify the information provided by the applicant and carry out a full IUU fishing history check of the vessel (Section 13 subsection 2 of the FAA).

Licences are issued by the Director of Fisheries for industrial, semi-industrial and artisanal fishing (Section 16 FAA).

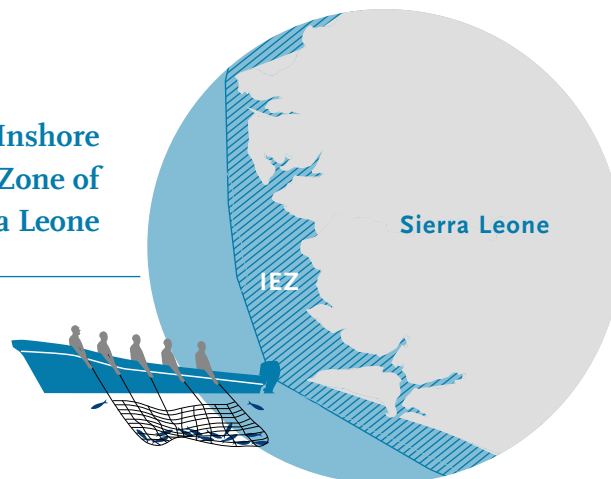
Section 4 subsection 1 states that the Inshore Exclusion Zone referred to in subsection (1) of Section 18 of the FAA, consists of all waters seawards of the low-water line along the coast of Sierra Leone to the line connecting the following coordinates of latitude and longitude as set out in the First Schedule (2) of the FAA Implementing Regulations. This schedule represents the Inshore Exclusion Zone on a **geographical map** of Sierra Leone. (See **Figure 2**)

Section 4 subsection 2 on the Inshore Exclusion Zone states that the Inshore Exclusion Zone is reserved for artisanal and recreational fishing. No industrial fishing vessel, decked semi-industrial fishing vessel or canoe operating with a canoe support vessel shall fish in

Figure 2: Inshore Exclusion Zone of Sierra Leone

Coordinates for the IEZ

1. 09 03.2N 13 24.1W
2. 08 30.0N 13 23.5W
3. 08 04.7N 13 19.9W
4. 07 34.5N 13 08.5W
5. 07 17.2N 12 36.7W
6. 07 06.1N 12 15.0W
7. 06 50.3N 11 32.8W



the Inshore Exclusion Zone. Nor shall it carry fish taken from that zone (Section 26 (h)). Any breach of this rule shall be considered a very serious infringement and be penalised in accordance with the following table:

Table 1: Rules on penalties for fishing in prohibited zones

Regulations		Corresponding section in the 2018 Fisheries and Aquaculture Act		Breach	Categories of ships	Breach seriousness	Administrative fines / penalties	
N°	Title	Section	Title				Minimum	Maximum
4 (2)	Inshore Exclusion Zone	18 (1)	The Inshore Exclusion Zone shall be reserved for artisanal fisheries and recreational fisheries	Fishing in the Inshore Exclusion Zone	Industrial fishing vessel	Very serious	USD 1,5 M	USD 1,8 M
					Decked semi-industrial fishing vessel	Very serious	USD 500,000	USD 600,000

A fine of up to one million five hundred thousand (1,500,000) USD for the first breach under **Section 18 (1)** of the **Fisheries and Aquaculture Act 2018** or **Section 4 (2)** of the **Fisheries and Aquaculture Regulations, 2019**. Fines are doubled for repeat breaches plus licence suspension for (6) months.

SECTION II. SHORTCOMINGS AND DIFFICULTIES IN APPLYING NATIONAL REGULATIONS ON ARTISANAL FISHING ZONES

Several sources of conflict in the fishing zones appear to stem from exchanges with artisanal fishers from the Republic of Sierra Leone. The sources of these disputes vary but can be summarised as follows:

- Conflicts between foreign pirate vessels and national fishers;
- Conflicts between industrial fishers and artisanal fishers over fishing zones (non-compliance with regulated zones);
- Conflicts between fishers and conservation bodies (marine and coastal environment conservators);
- Conflicts between active gear (which moves to catch fish) and passive gear (which is fixed and waits for the fish to come and bite);
- Conflicts over the fishing types and fishing gear used in the same fishing zone;
- Conflicts with fishers from neighbouring countries;
- Ignorance of regulations;
- Appropriate monitoring lacking, inattention, negligence and navigational errors;
- Lack of communication;
- Work stress and pressure, and fatigue;
- Non-compliance with on-board working conditions;
- Inadequate training;
- Inappropriate decisions by the fisheries administration;
- Poor fishing practices;
- Non-compliance with management measures in fishing zones;
- Competition in well-targeted fisheries.¹⁴

In addition, there are shortcomings in the regulation of access to fishing zones and the co-management mechanism, including participatory monitoring. Furthermore, the

Republic of Sierra Leone is faced with a delimitation problem with the maritime zone in its northern part, bordering the Republic of Guinea, which makes fishing operations in this zone difficult.

2.1. Shortcomings related to non-compliance with regulations on access to Sierra Leonean fishing zones

2.1.1. Non-compliance with the mandatory prior authorisation before importing, constructing or acquiring a new vessel or fishing gear or its conversion into a fishing vessel

In the Republic of Sierra Leone, the obligation to request authorisation from the Director of Fisheries is a requirement of the Fisheries Act, for any vessel including fishing boats that are considering importing, constructing or acquiring a new vessel or gear, or converting a vessel into an artisanal fishing vessel.

¹⁴ These causes were identified in 'Etude sur les Pêcheries Artisanales et Droits Humains au Sénégal : Contribution à l'atteinte des objectifs de Développement Durable (ODD) 14b) August 2020. ('Study on Artisanal Fisheries and Human Rights in Senegal: Contribution to achieving the Sustainable Development Goals (SDG) 14b).

In the present Study, the artisanal fisheries professionals in Sierra Leone who were interviewed confirmed these sources of conflict at sea for artisanal fishers.

However, artisanal fishing vessels are currently acquired or converted in total ignorance of this legal requirement, which essentially aims to make it safe for any vessel or artisanal fisher operating in a hostile maritime environment.

2.1.2. Challenges related to the obligation to register and mark artisanal fishing vessels

The obligation to register artisanal fishing vessels is stipulated in the Fisheries and Aquaculture Act. The same Act states that these vessels, in order to benefit from a fishing permit, must be registered in the national register of artisanal fishing vessels (Section 13 (1)).

However, it is the Executive Director of the Merchant Navy who manages the register of artisanal fishing vessels. The Executive Director is only required to provide a copy to the Director of Fisheries. Would it not be more consistent to entrust the registration process to the Directorate of Fisheries, which is responsible for the sustainable management of national fishing activities?

Concerning the marking of vessels and fishing gear, the Maritime Fisheries Code sets out an obligation to respect both the exterior identity marks of artisanal fishing vessels, and also all fishing gear and instruments, including those installed at sea and not attached to the fishing vessel. This obligation reflects the provisions of the Merchant Shipping Act, which also requires all vessels, including fishing boats, to be marked.

In conclusion, Sierra Leonean regulations require that fishing boats be inventoried, registered and marked, but it is clear that many artisanal fishing boats operate in fishing zones without complying with these rules, which are aimed at their physical safety and that of their boat.

2.2. Challenges related to the lack of a participatory monitoring system

Sierra Leonean regulations encourage shared responsibility and stakeholder participation, including fishing communities, in developing management plans for artisanal fisheries and marine protected zones. However, it is important to note that to date there is no specific legal text on participatory monitoring.

In practice, fisheries co-management is not yet a reality in the Republic of Sierra Leone. The administration alone manages the resource and carries out surveillance of fishing zones, including the Inshore Exclusion Zone and MPAs. However, participatory monitoring has been identified by the Sierra Leone Artisanal Fishermen Consortium as a priority that needs addressing. It would allow artisanal fishers to help notably in the fight against juvenile fishing, which takes places very frequently, especially in the four nationally recognised MPAs.

Introducing a specific legal text and a mechanism for co-management, including participatory monitoring, would represent an opportunity to examine all the issues related to the professional and social security of artisanal fishers. The existence of a legal framework for participatory surveillance would make it possible to encourage effective participation from artisanal fisheries professionals in preserving fisheries resources, contribute to securing protected or reserved fishing zones, and set out the responsibilities of each actor in this work. This could be achieved by introducing a well-established

resource co-management system where the rights and obligations of each stakeholder are clearly defined and implemented.

2.3. Shortcomings related to the non-existence of clearly defined maritime borders between the Republic of Guinea and the Republic of Sierra Leone

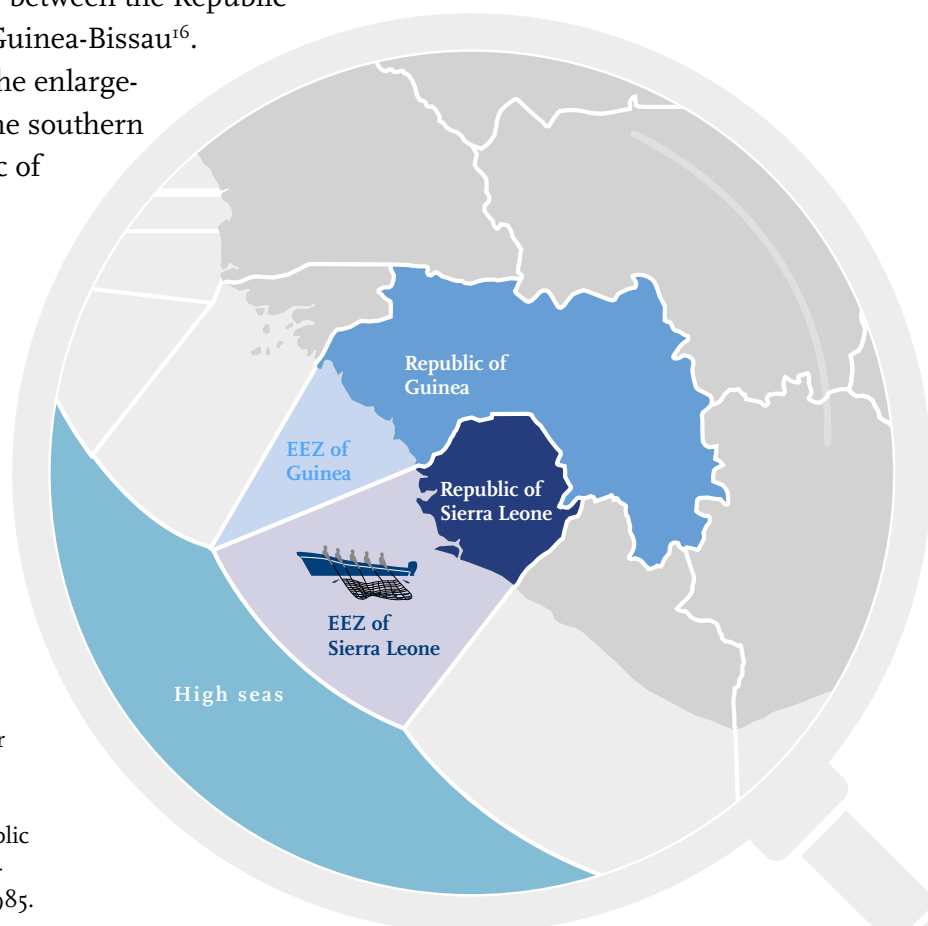
The maritime border zone between the Republic of Guinea and the Republic of Sierra Leone represents a large zone of territory and remains a constant source of tension between the two countries, each of which claims sovereignty over it. The Republic of Sierra Leone issues fishing licences to their nationals allowing them to fish in this zone, while the Republic of Guinea does not issue any licences but does carry out patrol operations there.

The challenge for the Republic of Guinea is that it is trapped in a triangle (see Figure 3 below) which prevents it from accessing the high seas. However, when exploring and running offshore mining operations, the Ministry in charge of mines and geology and the Ministry in charge of the environment of the Republic of Guinea, which have offshore mining projects, operate in the disputed zone and use bathymetric maps showing a straight line encompassing the disputed zone and allowing access by the Republic of Guinea to the high seas.

For the Republic of Sierra Leone, which ratified the United Nations Convention on the Law of the Sea (UNCLOS) on 12 December 1994, well after the Republic of Guinea¹⁵, the issue surrounding the disputed maritime zone arose following the case on the delimitation of maritime spaces between the Republic of Guinea and the Republic of Guinea-Bissau¹⁶.

As a reminder, this case led to the enlargement and legal recognition of the southern maritime border of the Republic of Guinea-Bissau.

Figure 3: EEZ of Republic of Guinea and Republic of Sierra Leone

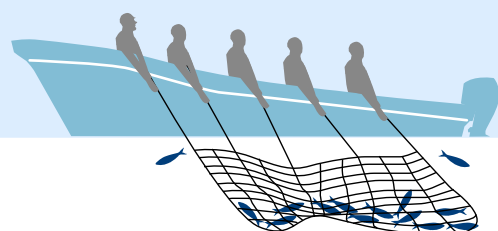


15 Guinea ratified the Convention on the Law of the Sea on 06 September 1985.

16 Case on the delimitation of the maritime border between the Republic of Guinea – the Republic of Guinea-Bissau: Verdict dated 14 February 1985.

RECOMMENDATIONS FOR THE REPUBLIC OF SIERRA LEONE

1. Urgently support negotiations for a Memorandum of Understanding on managing the maritime border zone between the Republic of Guinea and the Republic of Sierra Leone in order to reach a peaceful settlement of the maritime disputes between the two countries;
2. Popularise and communicate on fisheries regulations and policies in local languages accessible to fishing communities;
3. Conduct an inventory and registration of artisanal fishing boats, including introduction of registration plates;
4. Support the process of setting up participatory monitoring in Sierra Leone through:
 - the development and introduction of a specific legal text on participatory monitoring;
 - capacity building of fishing communities. To help achieve this, there is already a guide on good practices and best initiatives for co-managing marine and coastal resources for States in the sub-region. This tool was developed under the ACP Fish II project implemented by the consulting company Oceanic Développement;
5. Mark the boundaries of MPAs and make artisanal fishers aware of the consequences of fishing in MPAs, which could include official warnings and legal action;
6. Promote the introduction by ECOWAS of specific regulations on artisanal fisheries that allocate fishing zones reserved for professionals in the artisanal sub-sector.



CONCLUSION

The Republic of Sierra Leone has introduced a fishing zone reserved for artisanal fishing called the Inshore Exclusion Zone, which is of approximately 06 miles. Despite the existence of this reserved and legally recognised artisanal fishing zone, conflicts between fishers continue. This situation can be explained by:

- existing shortcomings or gaps in the definition and implementation of conditions for accessing fisheries resources, particularly those aimed at the safety of fishers and their boat;
- competition between several types of fishing (artisanal demersal, artisanal pelagic, industrial demersal (trawl), industrial pelagic (seine) and semi-industrial (long-line)).
- The competitive nature of the different fishing sectors shows that granting too many industrial fishing licences reduces the opportunities for artisanal fishers and the possibilities for artisanal processing, which generates local added value, and increases the risk of conflicts between artisanal and industrial fishers regarding fishing zones;
- the non-professionalisation of roles in the artisanal fisheries sub-sector;
- the informal nature of the artisanal fisheries sub-sector;
- the lack of involvement and participation of fishing professionals in defining policies and regulations that affect them;
- fishing zones that are clearly and legally delimited, and recognised nationally and internationally.

By effectively taking these shortcomings into account, artisanal fisheries will gain legal and spatial recognition, which in turn will offer them more opportunities for development.

Note :

This report 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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