

**RESEARCH PROPOSAL**

**TITLE**

**" ASSESSMENT OF FISHERY AGREEMENTS BETWEEN GUINEA AND THE EUROPEAN UNION  
ANALYSIS IMPACTS OF PARTENARSHIP AND LEGAL REFORMS ".**



**PRESENTED BY CAMARA BANGALY UNITED NATIONS - NIPPON FOUNDATION FELLOW  
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**LIST OF ACRONYMS.**

**ABD:** African Bank of Development.

**ABEDA:** Arab Bank for Economic Development in Africa.

**ACA:** Agency for Agricultural Marketing.

**ACP:** Africa Caribbean Pacific.

**AFSMNO:** Aquaculture and Fishery Sanitary Monitoring National Office.

**ARN:** Authority of River Niger.

**AU:** African Union.

**CAB:** Cabinet.

**CFA:** Community Fisheries Agreements.

**CATC:** Canadian Agency for Technical Cooperation.

**CFP:** Common Fishing Policy.

**CIDA:** Canadian Agency for International Development.

**CSEF:** Center of Support for Exportation and Formalization.

**CSIC:** Canadian Study for International Cooperation.

**DOALOS:** Division for Oceans Affairs and the Law Of the Sea.

**DFID:** Department for International Development.

**DOAFAG:** Development Office of Artisanal Fisheries and Aquaculture in Guinea.

**DRI:** Development Research Institute.

**EC:** European Commission.

**EEC:** European's Economic Community.

**ECU:**

**EAF:** Eco systemic Approach of Fisheries.

**EU:** European Union.

**EEZ:** Exclusive Economic Zone.

**FAO:** United Nations Food and Agriculture organization.

**FADPL:** Fishery and Aquaculture Development Policy Letter's.

**FASPF:** Fishery and Aquaculture Strategy of Political Framework.

**FRIES:** French Research Institute for Exploitation of the Sea.

**FAPFD:** Fisheries and Aquaculture Policy Framework Document.

**FDA:** French Development Agency.

**FDF:** French Development Fund.

**FCECA:** Fishing Committee for the Eastern Central Atlantic.

**FICA:** Fund for Investment and Agricultural Marketing.

**FRIES:** French Research Institute for Exploitation of the Sea (IFREMER).

**FRFRF-GFR:** Fish Rice Farmers Federation of Guinea's Forest Region.

**FPMNC:** Fisheries Police Monitoring National Center.

**GAFNU:** Guinea's Artisanal Fishermen National Union.

**GAFENC:** Guinean's Artisanal Fishermen Exporters National Confederation.

**GAFPEXP:** Guinean Association of Fisheries Products of Exporters.

**GDP:** Gross Domestic Product.

**GGS:** Government's General Secretariat.

**GIAR:** Guinean Institute of Agricultural Research.

**GIFNU:** Guinea Inland Fishermen National Union.

**GMOMNU:** Guinea Motor Outboard Mechanician's National Union.

**GNCOAF:** Guinean National Confederation of Artisanal fishermen.

**GNF:** Guinean New Franc.

**GNP:** Gross National Product.

**GNUW:** Guinea National Union of wholesalers.

**GPNCO:** Guinea's Peasant National Confederation Organization.

**GRT:** Gross Register Tonnage.

**GT:** Gross Ton.

**GWFSNU:** Guinea's Women Fish Smokers National Union.

**IDAF:** Integrated Development of Artisanal Fisheries.

**IFCF:** Industrial Fishing Companies Federation.

**ITLOS:** International Tribunal for the Law of the Sea.

**IUCN:** International Union for Conservation of Nature.

**IUU:** illegal, unregulated, unreported (fishing).

**JICA:** Japanese International Cooperation Agency.

**MAAR:** Ministry of Agriculture and Animal Resources.

**MNAA:** Maritime Navigation Agency.

**MEF:** Ministry of Environment and Forestry's.

**MFA:** Ministry of Fishery and Aquaculture.

**MFAME:** Ministry of Fisheries Aquaculture and Maritime Economy.

**MFASP:** Ministry of Fishery and Aquaculture Supporting Program.

**MSCGAF:** Mutual Savings and Credit for Guinea's Artisan Fishermen.

**NA:** National Assembly.

**NBD:** National Budget of Development.

**NFRCB:** National Fisheries Research Center of Boussoura.

**NEPAD:** New Partnership for Africa Development.

**NIPAFS:** National Investment Plan for Agriculture and Food Security.

**NOF:** National Observatory of Fisheries.

**NOSCFAP:** National Office of Sanitary Control for Fisheries and Aquaculture Products.

**NOMF:** National Office of Maritime Fisheries.

**NTIC:** New Technologies of Information and Communication.

**NUGAF:** National Union of Guinean's Artisanal Fishermen.

**OFCF:** Overseas Fishery Cooperation Foundation OF Japan.

**OSD:** Office of Strategy and Development.

**OSROST:** Office of Scientific Research for overseas territories.

**OECD:** Organization for Economic Cooperation for Development.

**PRSP:** Poverty Reduction Strategy Paper.

**PSLFA:** Program for Sustainable Livelihoods for Fisheries in Africa.

**PRG:** Presidency of the Republic of Guinea.

**PO:** Professional Organization.

**RGDO:** River of Gambia Development Organization.

**RSDO:** River of Senegal Development Organization.

**SEC:** Social and Environmental Council.

**SEFP:** Sustainable Existence of Fisheries' Program.

**SIAQPPA:** Service Industry Quality Assurance of Fisheries and Aquaculture Products.

**SOGUIPECHE:** Guinean Society of Fisheries.

**SPAS:** Supporting Program for Agricultural Sector.

**SPMFA:** Support Program to the Ministry of Fisheries and Aquaculture.

**SRFC:** Sub-Regional Fisheries Commission.

**TCP:** Technical Cooperation Program.

**TCNR** =Transitional Council of National Recovery.

**UNESCO:** United Nations Education Science and Culture Organization.

**UNFE:** United Nations Fund for the Environment.

**UNIDO:** United Nations for Industrial Development Organization.

**UNCLOS:** United Nations Convention on the Law of the Sea.

**UNDP:** United Nations Development Program.

**UNEP:** United Nations Environment Program.

**UN:** United Nations.

**VMS:** Vessel Monitoring System.

**WAEMU:** West Africa Economic and Monetary Union.

**WTO:** World Trade Organization.

**WWF:** World Wide Fund for Nature.

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**ABSTRAIT.**

*An examination of the general context of the fisheries sector and the content of fisheries agreements protocols, allows us to make an assessment and analysis of impacts and legal reforms of the partnership known as “fisheries agreements”. An analysis of the fishing industry in terms of the fishing agreements signed between Guinea and the European Union requires me first to briefly examine the*

*contribution of fisheries to economic and social development. Knowing that if we talk about fisheries agreements with third countries facilitates financial windfall by virtue of the access of rights by EU fleets in the EEZs of the various third countries including Guinea.*

*The aim objective of this thesis is to reflect up on the governance of sectoral agreements through the fisheries partnership between Guinea and the EU and that the manner in which this can positively affected other areas of country. These agreements are the subject of much controversy in Guinean with question arising to how the funds are used, and the continued practice of IUU fishing .This has led the EU partners account consider the political, legal and technical measures to reduce and eliminate these controversies. Based on a review of the fisheries agreements between Guinea and the EU, to bring the solution to these controversies is: Good governance in fisheries management, promotion of local democratic institutions, the transfer of appropriate and sufficient power and the establishment of minimum environmental standards.*

*But also meet the elements of choice for decision-making, sustainable management of these fisheries resources exploited for the welfare of the population. The results of the different tests can implement a set of principles and tools goals that consideration must both strengthen the negotiating capacity of future agreements and also breathe new life and a new dynamic to the commitment of European partners while complying with the provisions of the World Summit of Sustainable Development in 2002. Met necessary conditions for the sustainability of the partnership to allow to begin the development of Guinea.*

*To win this bet, the Government of Guinea must imperatively process adopted, implement and apply:*

*-An adequate legal framework to strengthen relations with the EU fisheries;*

*-Of organizational policies jurisdictions subject to the institutionalization of the exclusive economic zone for fisheries governance such as international conventions, regional and sub regional;*

*-The laws and regulations regarding a common policy of the European Union fisheries allowing EU vessels to operate in Guinean EEZ and their legal validity.*

*-The implementation of innovative reforms in the context of fisheries cooperation agreements with the EU.*

*-Correct failures of legal instruments of cooperation by the abandonment of old practices, to establish a strategic and political base under these fisheries agreements.*

*The evolution of international law of the sea is contribute significantly in standardization of cooperation between Guinea and EU on fisheries sector, if "we takes this into account in the description of the content of accompaniments policy proposed by the EU in the context of fisheries agreements and especially the materialization of the impact of Guinea -EU regional partnership agreements .*

#### **DISCLAIMER.**

*The views expressed herein are those of the author and do not necessarily reflect the views of the United Nations, The Nippon Foundation of Japan, or the Government of the Republic of Guinea through the Ministry of Fisheries Aquaculture and Maritime Economy.*

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## **INTRODUCTION**

*The European Union, through its fishing activities, is a major player with a fleet of the most powerful in the world and present in all the oceans. The reform of the Common Fisheries Policy (CFP), which occurred in 2002, includes a significant external dimension, one of whose main objectives is to promote responsible and sustainable fisheries.*

*In the Fisheries sector Partnership Agreements (FPA) concluded in particular between the European Union and African countries is, in this respect, of strategic importance. They have also continued to evolve and transform over time in order to maintain a solid industry of fisheries in Europe and simultaneously help partner countries to develop their own fishing capacity. In the reform of the CFP after 2013, the Commission, in the Green Paper it has produced on this subject and that has given rise to an extensive public consultation open to all European citizens, also raises the question of the future of these agreements. Many of them are precisely renegotiation or will be in the years 2010, 2011,*

2012. In addition, 2010 marks the beginning of a long process of discussions within the Council and the European Parliament which will be followed tough negotiations to reach an end, the mode of co-decision to the adoption of the forthcoming reform of the CFP. Social and Environmental Council (SEC) estimates the timing to make with this view, his contribution on the ways to make the most of the partnership framework designed by the .FPA. To this end and hence the strengths and weaknesses of these agreements, however our assembly intends replacing its analysis in a broader context, in terms of global issues which fishing activities themselves are directly confronted: impoverishment of ecosystems and stocks, increased competition between fleets, development illegal, threatening food security, the fight against poverty .

## **FISHERY PARTNERSHIP AGREEMENTS AN INSTRUMENT**

### **A- FISHERY A KEY SECTOR FOR BOTH PARTIES**

#### **1. The economic and social importance of fishing activities**

##### **1.1. The global expansion of the fisheries sector**

Fishing plays an essential role for millions of men and women in the worldwide. The FAO (United Nations Food and Agriculture Organization) estimates that 43.5 million people engage directly with primary production of wild fish or aquaculture and it is estimated that over 125 million people are employed in the processing, marketing and other fish-related industries. And if we take into account dependents, no less than 520 million people, or 8% of the world population, would be dependent on the sector. We would add that employment in this line of business has recorded over the past three decades, higher growth rates than the world population and the population employed in traditional agriculture. 86% of fishermen and fish farmers engaged in Asia. The global production from fishing and aquaculture increased to also regularly to reach 140 million tons per year of which almost 80% are intended for human consumption. The continuous increase in average fish consumption per capita increased from 9.9 kg in 60 years to over 16 kg today, coupled with diversification of supply as a result of technological innovations registered in the treatment of products, logistics and transport modes, however, cannot mask the reality, that fish is a vital staple for more than one billion people , not are the benefit share equally ; the consumption boom in Asia and particularly in China, which has become the leading producer of capture fisheries and aquaculture as well as continued strong demand and increasingly diverse in developed countries largely explain the observed increase. But at the same time, Africans are still far from reaching their food sovereignty and consume twice as less fish than the world average and more worryingly, their consumption is decline. In any event, given the demographic projections, some 37 million additional tons will be needed by 2030 to maintain even that the current level of consumption.

Exports and imports of fish and fish products have continued to increase, and especially since 2000; exports, which represent 40% of the total world production, grew during the 2000-2006 period, in real terms, by 32.1% to a total of nearly 90 billion in 2006 and more tellingly, exports destined for human consumption have increased by 56% since 1996. Regarding imports mainly by the US, EU and Japan, the orders of magnitude are similar: they amounted to nearly 90 billion dollars. And, despite the current

economic crisis, the development of international trade in this area should continue in the upcoming years. Among the exporting nations, China would occupy the place of exporter but all developing countries (DCs), including the low-income food deficit progressing. Cash, in 2006, for 79% of global fish production, exports, amounting to 42.5 billion, equivalent to 49% of total exports by value and 59% by volume. Developed countries are their main markets. As for trade between developing countries, they do not exceed 25% of the value of their exports.

##### **1.1. Africa and Europe are two continents owning a maritime vocation.**

The fisheries and aquaculture sector represents, in African continent, a significant share of gross national product (GNP) for coastal countries, like Mauritania, Morocco, Tunisia and Senegal they have large fish wealth. First, artisanal fishing is very prevalent in many of these countries and is significant to the structure of socio-economic life because it is a highly labor-intensive activity. We assess, in sub-Saharan Africa, between 6 and 9 million the number of people working part-time or

full-time in the field of fishing and some 30 to 45 million people depend on this activity for their livelihood, although, food security is not ensured. Women also are very active and often take a key role in processing, marketing and distribution of fish. In many poorer countries, such as Equatorial Guinea, Ghana, Sierra Leone, fish are the main source of animal protein. And as pointed out by the **Swedish Society for Nature Conservation**, "fishing is a more important place in West Africa than in many other parts of the world, both as livelihood and as population's power source. In this region, the consumption of fish products is often higher than on the continent. "

But with the expected population growth in 10 years, it is assumed that the local catch will fail to meet local demand. Sub-Saharan Africa, already a net importer, is likely to see its trade deficit deepen. In this context, exports by foreign exchange, jobs and the tax revenues they provide are major challenge for the development of these countries. To date, Africa remains an actor who weighs little in comparison to other continents: 2.40% of world exports in 2007 against 47.7% in Europe, 30.1% in Asia and 18, 51% for the Americas. But these exchanges have nevertheless increased by nearly 38% between 2004 and 2007 with regard to exports, while imports surged by 54%. The example of Morocco, the largest exporter of the continent, is significant in this regard: the fisheries sector is 55% of its food exports, 10% of national exports with the key, more than 400,000 direct and indirect jobs created.

In Guinea, according to the last canoe fleet census made by the National Fisheries Research Center of Boussoura in 2014, the post-harvest fishing activities (processing and marketing) were employing 26,000 fishermen, including 250,000 jobs created these direct jobs 150.0000 which correspond to a contribution of less than 8% in the workforce in 2014.

Given all these problems, it is legitimate to ask certain questions about the effectiveness of these EU-Guinea fisheries agreements:

- how do politico-legal aspects fisheries agreements play a role in contributing to the macroeconomic development of Guinea?
- how can we make the link between fisheries agreements and governance in maritime affairs to integrate the political, legal, social, economic element and in assessing their impact on various management measures?
- to what extent can the political and legal dependence interfering in the maximum sustainable yield of Guinean fisheries?
- How many tools be designed and implemented to assess the impact of reforms on companies in the sector for the protection of ecosystems and the sustainable use of fisheries in the context of fisheries agreements with the EU?
- Will the reform of the CFP (2002), the Cotonou Agreement (2000) and the World Trade Organization (WTO) breathe new life and a new dynamic to the commitment of the partners in accordance with the Johannesburg World Summit?
- would the choice of fishing partner other than the European Union affect fisheries governance in Guinea?

It is no exaggeration to say that until very recently, we found no trace of the substance of the statements made in the preambles of these agreements. It took anti current fisheries agreement is being developed and the most directly affected populations rise up against what they regard as a plundering of resources for the shot is rectified. The last protocol is qualified development agreement because in addition to traditional areas, namely the training of human resources and support research, supporting the development of artisanal fisheries, fisheries monitoring and institutional support were integrated. The Guinean government has allocated 40% of the aggregate consideration to developing the sector. This should not obscure the impact of the presence of the Asian fleets (Chinese, Korean, etc. ...) on stock degradation by increasing pressure on resources, promoting IUU fishing, but also unorthodox practices some senior administration officials that facilitate by granting pavilion (often of convenience) and the establishment of fictitious joint ventures. These practices clearly go against the sustainable use of living marine resources and have the effect of preventing a development of fisheries sector. Regarding subsidies to the fishing activities, it must be emphasized that they do not necessarily have negative consequences. It would be better to distinguish between subsidies can promote the sustainable use of resources (shipbreaking, development of aquaculture activities ...) and those likely to generate an increase in fishing effort.

### **GLOBAL OBJECTIVE.**

The general objective of this study is to analyze the technical aspects, the content but also the means to implement the reforms that allow a fisheries sector to play its role in the sustainable development of Guinea.

## **SPECIFIC OBJECTIVES**

1. *Technical Analysis of Fisheries Agreements Protocols ;*
2. *Analysis of Fisheries Agreements Content;*
3. *Analysis of Fisheries Agreements Partnerships Impacts;*
4. *Analysis of Various Reforms related to the Fisheries Sector in Guinea.*

*This thesis is intended, after an overview of the current fisheries context and analysis of current arrangements and a review of previous agreements and key issues to be resolved:*

*To analyze the political and legal reforms undertaken by the Government in the fisheries sector at the end to appreciate their impact in view of the upcoming fisheries agreements after an initial review of previous agreements. This assessment of fisheries agreements between Guinea and the European Union outlines the legal contexts, progress through the evolution of the international context, the constraints encountered and the prospects for these protocols to contribute to sustainable development. Dedicated to the legal basis governing relations between Guinea and the European Union on fisheries and governance issues raised in the management of the other Guinean fisheries.*

*But also to identify policies that objectively reflect the concerns of the artisanal and industrial fishing. My research will be structured in two parts: The first called technical analysis of Fisheries agreements protocols will be based on two chapters. The first chapter allows me to make a presentation of the socioeconomic context and the second, an analysis the fisheries agreements content. The second part, meanwhile an analysis of partnerships and Legal Reforms of fishery agreements signed with the EU. It is organized around two (2) chapters, of which the first will focus on an analysis of fishery impacts partnership agreements and the second, an analysis of various reforms related to the fisheries sector in Guinea.*

## **PART I:**

### **TECHNICAL ANALYSIS OF FISHERY AGREEMENTS PROTOCOLS.**

**CHAPTER I:** *Description of the fisheries sector in Guinea.*

**Objective:** *The description of this chapter is to characterize of the Guinean marine fisheries sector and its fisheries resources.*

*The hydro-climate and sedimentology of the Guinean continental shelf directly influences the spatial distribution of particular resources and fishing activities. Guinea is characterised by a broad continental shelf, the width reaches 100 miles, and however most of the fish resources lie in depths from 0 to 15 m, mainly within the 12 nautical mile area. The exploitable fishing potential is estimated between 150,000 and 250,000 tons of fish per year. It consists of four major groups of species: pelagic and bottom fish (demersal), cephalopods and shrimps.*

*In general, lower catch per unit stress is observed for all stocks, other than the small pelagic species. Abundance indices show a common tendency towards overexploitation with concerns over stocks of long-lived species such as sharks and rays. Because of their low fertility, slow growth and the importance of bycatch in fisheries targeting other species without ignoring that the various systems management led to overexploitation of marine and inland fishery for most resources. The various political and epidemiological crises of two (2) recent decades have affected our economy and generated concern among the Guinean people within all sectors and sub-sectors of development. The qui fishery is one of the links in economic growth in terms of income; job and income creation was not on the sidelines of this crisis. It should contribute to significantly reducing the deficit of the balance of payments, to decrease the unemployment rate as well as the needs of populations in animal protein and the fight against insecurity. Indeed, Guinea is dependent on the exploitation and export of some mineral resources was also affected by lower prices of raw materials (bauxite, iron gold and diamonds ...) on the world market, declining (agricultural, livestock, trade and tourism).*

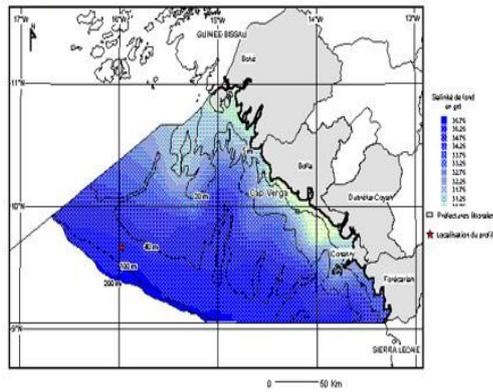
*However, it should be not that even today that our health system has-been affected by the disease of Ebola that among others to contribute significantly to the slowdown the socio-economic development of Guinea. Between March 2014, the official reported date of the outbreak, and 15<sup>th</sup> of June 2015, there were 3245 cases of infection resulting in 2026 peoples are death. The prevalence of the disease revealed that were women more vulnerable, about 53% of the total, and that nearly 20% of infections involved children. The health impact is compounded by psychosis maintained around this disease, that eventually divert the peoples of good health practices such as the 20% drop in attendance at health facilities for assisted deliveries and 25% of antenatal; while 94 health centers and district hospitals were closed in December 2014. Immunization coverage has also declined by 30%. To secure the lives of children and those of people in general, the government has had to delay the opening of school year 2014-2015 by (4) four weeks. The country has experienced a sharp decline in attendance (about 35%), especially in areas severely affected by the disease where the number of daily meals has-been reduced to 74% of households during the crisis. In the economic and financial field, the shock was violent. The real economic growth rate to 1.1% Declined Substantially in 2014 has forecast against of 4.5%, while for 2015, the projected growth is zero. Taxes and revenue are declines, cause by this decline-have Estimated at more than 1150 million Guinean Francs (about 160 million US dollars), while expenses are increasing due to the requirements of sanitary supported for the prevention and treatment of disease, thereby widening the deficit and increasing financial needs of the State, including the form of budget carrier. Many jobs-have-been lost, according to the official statistics, six (6) redundancy plans were announce in 2180 and Job losses were recorded in the formal sector at the end of February 2015. With the persistence of the Ebola disease budgetary resources (revenue and grants) at the end of December 2014 were relatively low. They reached 702.3309 million, of 8.145.470.000.000 of tax income (17.6% of GDP). They were down 2 690.7 million francs forecast, a shortfall equivalent to 5.8% of GDP. The continued implementation of the budget is cash basis has helped keep expenses 11 680 060 000 000 Guinea Francs was forecast against of 14.500.240.000.000. This has enabled has basic balance of 1.977.730.000.000 Guinea Francs, or - 6.63% of GDP. The amended finance Act 2014 incorporated the impact of the Ebola outbreak. The revisions reflected to expect shortfall in revenues and expenses primarily related to the Ebola disease. The increase and reflected the extension of the lease of thermal units to Maintain the supply of electricity continued to be one of the hand Priorities of the government.*

*The 2015 budget approved by parliament on 18 December 2014 reflects increased spending induced by the impact of Ebola and aims to maintain adequate public investment efforts to supporting growth. In the context of relatively slow growth, this goal is reflected in year increase in the public deficit Estimated at 4,198 million Guinea Francs by borrowing founding (2.644 million) windfall revenues (2,100 million) and issuance of bonds securities to (400 million).*

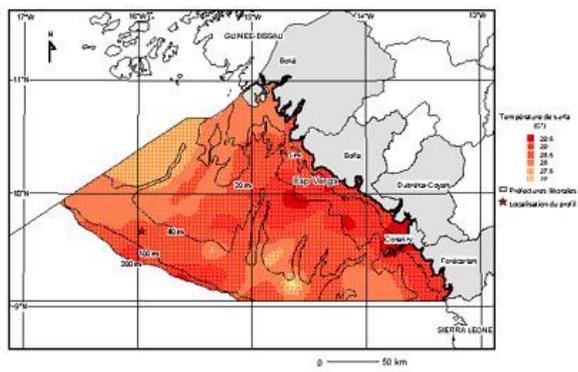
**Figure 1:** Map of the hydro sedimentology of Guinea (salinity and temperature) in the wet season

Salinity and temperature, with two distinct seasons wet season

**SALINITÉ DE FOND EN SAISON HUMIDE**



**TEMPÉRATURE DE SURFACE EN SAISON HUMIDE**



The fisheries sector whose value is estimated currently around 1% of GDP was impacted by the Ebola that has resulted: The movement of fishermen communities, a drop in the price of fish products, loss of income and employment for women and youngers people, lack of access to credit the reluctance of fishing communities to accept access from the health services and the suspension of Several fisheries and aquaculture development projects. This has had significant impacts upon domestic and international sale.

**Table 1: Fisheries agreement between Guinea and the European Union**

<b>Duration of the agreement</b>	Undetermined
<b>Protocol of Time</b>	5 years (2004-2008)
<b>Nature of agreement</b>	Mixed Agreements
<b>Financial contribution</b>	3.4 million Euros, 41% (1.4 million Euros) for targeted actions for the development of the fisheries sector. These quantities may be increased up to 4.25 million Euros (1.95 million Euros) according to the increase in fishing opportunities.
<b>Fee payable by ship-owners</b>	25 Euros per ton caught fish: 197 Euros / GT (biannual license: 102 Euros / GT Quarterly license: 52 Euros / GT) Cephalopods: 219

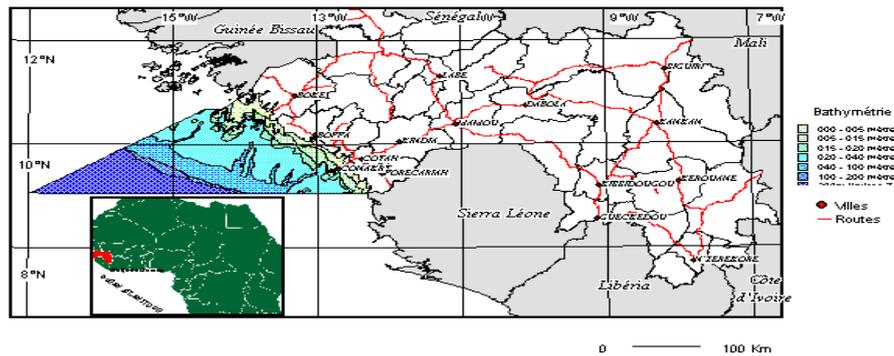
	<i>Euros / GT (biannual license: 113 Euros / GT quarterly license: 58 Euros / GT) Shrimps: 279 Euros / GT (biannual license: 144 Euros / GT quarterly license: 73 Euros / GT)</i>					
<b>Fishing (final protocol)</b>						
	<i>Spain</i>	<i>France</i>	<i>Italia</i>	<i>Portugal</i>	<i>Greece</i>	<i>Total</i>
<b>Shrimp trawlers</b>	1.050 GT	-	-	300 GT	150 GT	1500 GT
<b>Fish and cephalopods</b>	844 GT	-	750 GT	-	906 GT	-
<b>Tuna seiners</b>	17	17	-	-	-	34 Ships
<b>Surface long liners</b>	8	-	-	-	-	9 Ships
<b>tuna pole and line vessels</b>	7	7	-	1	-	14 Ships

Source: Ministry of Fishery and Aquaculture (2009)

### **III. Characteristic of Guinean's fisheries resources.**

*On its maritime fringe, Guinea has 300 km long coastline and an extensive continental shelf. One of the strengths of the marine and coastal environment of Guinea is the existence of a privileged mechanism of water enrichment, coastal upwelling, induced by the trade winds in winter. This phenomenon of upwelling of deep cold waters rich in nutrients and especially the existence of several rivers flowing into the sea and bringing nutrients through decomposition of plant support the development of a diverse marine fauna and founded Guinean's reputation a significant fishing area . The potential annual catch in the Guinean EEZ is estimated at 285,105 tons, ranking the country among the leading maritime fishing countries of tropical Africa. The Exclusive Economic Zone (EEZ) of Guinea is characterized by great biological diversity. The global exploitable potential has not been the subject of recent scientific assessments.*

**Figure 2:** Map of Guinea EEZ.



**- The offshore pelagic resources**

Given the highly migratory nature of the main species and their vast distribution scale (Atlantic), the potential of the EEZ of Guinea has been evaluated by a working Group on the FAO -COPACE regarding southern small pelagic (from 17 to 23 March 2014) were extended in 2016 and 2017 last .This has been estimated at 132.700 tons (Fishing Plan 2017).

The shortening of the fishing season in Guinea observed in these recent years and its corresponding extension in the countries sharing sea borders reflect a downward trend alongside the potential for excess catch. Many stocks of the main commercial species (yellowfin, skipjack, big eye, swordfish, sailboat), are fully exploited across the Atlantic. Small tunas and related species (blue fin, skipjack, Spanish mackerel, etc.), mainly targeted in artisanal fisheries, would have a lower operating rate.

**Coastal demersal resources**

The annual capture potential is estimated at 120 438 tons. Inventories are generally fully overexploited in some cases. Preliminary evaluations conducted confirm overexploitation diagnostics or even severe overexploitation of some stocks (white grouper, sea bream, and blue point porgy).The analysis, which focuses on a series of data (1981-1999) five stocks, indicates a more alarming situation than before, and catches have now decreased instead of fishing effort.

**-Deep demersal resources**

The exploitable potential of all species is estimated at 268,303 tons of which almost 35% to 45 consist of black hake and 15 to 20% deep shrimp. These stocks (shrimp, hake) do not appear to biological overfishing signs. The most recent references indicate that, despite the lack of biological and statistical information, hake and deep-sea shrimp are not overfished. The freezing of fishing effort was recommended, however, as a measure to develop of deep-sea shrimp stocks. As for hake, it should be noted the precautionary principle in the management of these stocks that are shared with our neighbors.

**Table2:** Index of Abundance, various demersal resources (2016)

Group of Species	Index of Abundance Kg/30mn
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<b><i>Demersal</i></b>	184,7
<b><i>Crustaceans</i></b>	0,7 (Crabs)
<b><i>Shellfish.</i></b>	13,64
<b><i>Cephalopods</i></b>	6,64
<b><i>Gastropods</i></b>	6,90

Source: Ministry of Fisheries Aquaculture and Maritime Economy (2016)

**SECTION A:** Background and description of marine fisheries components in Guinea.

**Objective:** This section aims to describe:

- The status of the continental shelf and exploitable fishery potential;

- Context and economic importance of fisheries resources;
- The components of marine fisheries;
- And identify the factors that has prevented or hindered the role of fishery in the process of social-economic development during these two (2) decades.

The fisheries sector is one of the areas where ACP countries have a significant comparative advantage. It is also a sector which plays a key role in the fight against poverty by providing employment and incomes to the poorest sectors of the population of the countries concerned and allowing them to meet their food security needs. The fisheries sector occupies a prominent place in the national economy through its significant contribution to economic and social indicators. Fishing today is firmly focused on the export of fish products. The access facilities to the European market, the depreciation of the local currency and the financial arrangements that facilitate exports, have made the export of fish significantly more profitable than for domestic consumption. This has further increased the pressure on coastal demersal species.

However, the scarcity has socio-economic impact on the whole fishing sector. Indeed, as fishing areas becoming increasingly remote, fuel consumption increases, this increases the operating costs of the artisanal fisheries. There is enormous social pressure for access to the fisheries resources; resulting in conflicts between different communities of artisanal fisheries, between artisanal and industrial fishermen, and also between artisanal fishermen, coast guards of neighboring countries. Increasingly, the fishermen make use of international fishing seasons, leading them into countries like Sierra Leone, Guinea-Bissau. The export nature of fishing in Guinea and the scarcity of the resource constitute a great threat to the country's food security. In effect, fish product supply up to **45%** of the animal protein need of Guineans people. The national fish consumption is at an average of 14 kg / capita / Year. Artisanal fishermen, who supply the local market, now prefer more demersal species for export to pelagic species consumed locally, resulting in fluctuations in the price of fish sold in local markets.

The scarcity is also detrimental to the fishing industry, as many fish processing plants have been forced to close because of supply problems. One of the causes of over-fishing in Guinea is free access to the resource for artisanal fishing and the weak enforcement of existing regulations. In reality, artisanal fishing is not subject to any control hence it is impossible to know precisely the number of existing ships, fishing trips, and catches. In other words, the fishing canoes have free access to fishery resources without the need to obtain licenses or fishing rights. Today, the regulation of fisheries in Guinea is constituted by a set of legal and regulatory frameworks, defining the types of authorized fisheries, given the material or species of sizes to capture, and defining fishing areas. However its implementation is not effective. We should therefore improve this significantly as it is clearly inadequate.

Fisheries agreements with the Chinese, Koreans and Mauritians have signed by Guinea to allow access to its fishery resources, although this has contributed to the export culture, and the plundering of resources. Similarly, they are unsuited to the rules of international trade advocated by the WTO. The low valuation of fishery products is one of the major constraints on fishing in Guinea. Indeed, the bulk of exported fishery products are not valued; these are products sold as is, without any transformation. This lowers their value on the international market. Artisanal products are primarily for local and sub-regional markets. However, this sub-sector is experiencing a crisis caused by the scarcity of resources and numerous constraints it faces.

Today, the socio-economic importance of fishing in Guinea is well established; in 2001 it is a total turnover of 2001 was **12 FG billion** or **2.5%** of the national budget, yet by that is increased to 120% of budget. It now generates nearly **112,000** direct jobs (fishermen) of which 44% are supplied by small-scale fishing. Fishing also creates many related jobs and contribute 15% of the workforce (Policy Framework Paper of Fisheries and Aquaculture 2015). It contributes to the fight against poverty (DSRP. 2002), representing 2.3% of total GDP.).

Since 1986, the sector ranks second in exports after mining products constituting more than a quarter of the value of overseas sales. Fishing contributes significantly to the payments balance, because in addition to mining and agricultural export earnings, the agreements signed with third countries, such as the European Union, generate significant foreign revenues. This sector can cover a significant portion of animal protein needs of populations at relatively low prices. The fishing industry also contributes to government revenues through various agreements. On top of the royalties collected, fisheries agreements give rise to a series of economic, commercial and technical benefits. For the last

*fisheries agreement with the European Union (2003-2008), the direct financial compensation is about 64 billion GNF. Added to this are the fees collected during the fishing boats licensing, fines caused by breaches of regulatory and quasi-taxes.*

**PARAGRAPH I:** *Artisanal Marine Fishery Component.*

**Different components of marine fisheries sector**

*The fishing subsector has two (2) channels: artisan and industrial, it is an essential component of the national economy. It contributes to promoting exports, creating jobs, meeting the food needs of rural and urban populations. Fishing is growing steadily which places it at the forefront of the national economy in terms of export earnings. With a coastline of nearly 300km, this subsector ensures the*

supply of the domestic market as fresh produce and is also the basis of a significant processing industry. This sector also has new entrants, both in the industrial and artisanal fishing, which lead to further pressure on the demersal resources in particular.

At the national and international levels, trends are related to unpredictable events, reinforcing the extremely fragile nature of the fisheries sector. So nationally, the qualitative and quantitative changes in the abundance of resources, following an abuse of inventories and waste of biological resources, environmental changes and including threats of multifaceted assault on the coastal zones and their impact on resources, fully justify the urgency of a prudent management policy. An artisanal fishing is practiced by about 17 156 fishermen, including foreign fishermen from Senegal, Sierra Leone and Guinea Bissau. It operates in 190 landings distributed along the coast. These areas are generally difficult to access by land. With the support of partners such as JICA, ADB, FDA, EU, UNDP, some of these docks have already been developed and have modern infrastructure (landing dock, ice plant, cold room, smoking center, gas station, etc.). In 2011, the canoe fleet was estimated at 6,027 active vessels of which 22% .The motorized annual catch of artisanal fisheries amounted to 119,410 tons in 2013, more than half of total catch of all marine fisheries. These catches are composed mainly of pelagic species (sardine and Bonga) and demersal (Sciaenidae, Lutjanidae, Sparidae) with a high market value. With support from technical and financial partners, many efforts have been made to support the development of the sub-sector in the field of basic infrastructure, input supply, the structuring of fishermen and their training, and the establishment of a credit system. These commendable efforts are still yet to insufficient to galvanize the development of artisanal fishing. Artisanal Marine fishery is characterized among others by senior landings to other sub-sectors (fish, industrial and inland fisheries). So it's significantly contributes to food security, ensures a supply of fish processing units for export and the traditional processing industry (smoking, drying, salting). It also provides of many jobs that contributes to reducing country national unemployment.

- For a long time, an Artisanal marine fishery has been considered a fishery that did not cause real damage to the resource. Contrary to this perception, it has contributed to the overexploitation of main fishery resources in the last three decades through:

-To practice of a conventional fishery management this has shown its limits in terms of conservation and sustainable use of fishery resources;

- open access plan which has led to the uncontrolled increase in fishing effort through a tripling of the canoe fleet, use of gear and unregulated fishing techniques , modernization of artisanal fishing units, a proliferation of companies that target only one or two target species, non-respect of fishing areas;

-An anarchic creation of landing points (wharfs) along the coast (more than 120 landings) that is not likely to facilitate the basic infrastructure installation and monitoring of fishing activities;

- Destruction of marine ecosystems and coastal environments;

- A drastic decline in the abundance of the main species, yields and profitability of fishing units;

- A depletion of fishing communities;

The governance of marine artisanal fishery sector is low and results in:

- An inadequacy of regulatory instruments and their poor implementation;

- Unsuitability of the regulatory framework;

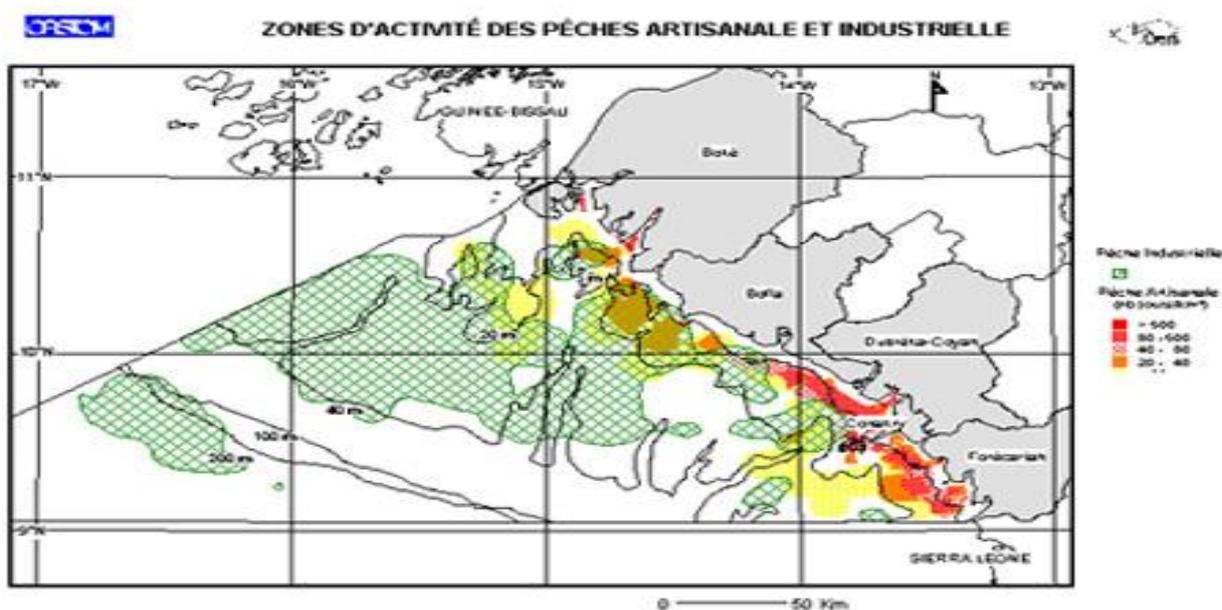
- Poor distribution of administrative and weak human resource capacity;

- Lack of equipment and financial resources for the operation of facilities;

- Low capacity professional organizations;

- A weakness of the credit system.

**Figure 3: Industrial and Artisanal Fisheries Area of Activities**



**Table 3:** Comparison of Total biomass and exploitable potential by species group (2016).

Group of Species	2015		2016	
	Biomass in (Ton)	exploitable potential in (Ton)	Biomass in (Ton)	exploitable potential in (Ton)
<b>Demersal</b>	153.000	61.200	301.094	120.438
<b>Crustaceans</b>	523	209	1383	554
<b>Shellfish</b>	4593	1837	28.787	11.515
<b>Cephalopods</b>	758	303	10.734	4.294
<b>Gastropods.</b>	3835	1534	18.053	7.221
<b>Total</b>	<b>158.116</b>	<b>63.246</b>	<b>331.264</b>	<b>132.507</b>

Source: Ministry of Fisheries Aquaculture and Maritime Economy (2016)

**PARAGRAPH II: Industrial Marine Fishery Component.**

Industrial fishing is practiced by fleets comprising firstly, trawlers (fishmongers pelagic, demersal fish trawlers, shrimp and cephalopod) working on the continental shelf and / or on the continental slope, the other purse seiners and long liners ( tuna) operating in deep waters (over 200 m deep). In 2013, industrial vessels in the Guinean EEZ numbered 114 including 2 guinéens6 ships, the rest being foreign-flagged vessels fishing under license or through a fisheries agreement. The industrial fleet is composed of 6 in 2013 pelagic fishing vessels, 35 fishing vessels from coastal demersal fish, cephalopods 26, 9 shrimp vessels and 38 tuna seiners. As a general trend of industrial fishing effort is increasing.

The Guinean Marine industrial fishery is composed of a fleet of cephalopod vessels, shrimp, demersal and pelagic fishmongers, which are mainly foreign vessels. Fishing licenses are granted depending on the target species, the vessel's technical characteristics, and the type of fishery, the status of ships and duration of fishing activity. The yearly fish landings by vessels in Guinea are estimated to average 50 000 tons (production and import), indicating the contribution of this sector in the local market supply.

The main constraints of industrial fishery are:

- The narrowing of Exclusive Economic Zone (EEZ) of Guinea following the ruling of the tribunal of the Hague in February 1985, fixing the maritime boundary between Guinea-Bissau and Guinea;
- Lack of marine industrial fishery port;
- Lack or inadequacy of infrastructures and fueling facilities;
- Lack of state or national industrial fishery fleet;
- Persistence of Illegal, Unreported and Unregulated fishing (IUU);
- Highest rate of customs duties of fish imports;
- Heavy taxation of fuel used by fishing vessels;
- Low bargaining power regarding the fisheries agreements by our Authority;
- Lack or Low bargaining capacity of private operators and other stakeholders for industrial fishing sector (training, organization, negotiation);
- Jurisdictional conflicts between the institutional and legal framework between services that are responsible for management and monitoring of industrial fishing.

**Table 4:** Level of exploitation of various categories of Species (2016)

<b>Type of resources</b>	<b>Type of armaments</b>	<b>destination markets</b>	<b>Exploitation level</b>
<b>Coastal demersal</b>	Artisanal and industrial	Europe	Overexploited
<b>deep demersal</b>	Industrial	Europe	Fully exploited
<b>coastal pelagic</b>	Artisanal	Local market and African's countries	Good level
<b>offshore</b>	Industrial	Europe	highly migratory stocks

Source: Ministry of Fisheries Aquaculture and Maritime Economy (2016)

## **SECTION B:** Impact of Fisheries Policies.

**Objective:** This section aims to:

To review the various policies national and regional impacts and conducted by the government in this sector.

Guinea has long benefited several technical interventions in the framework of bilateral cooperation programs and the support of international funds. These actions have allowed the Guinean's Government to achieve the specific objectives within fisheries sector.

*For several years, fishing has been facing a serious crisis due to the progressive exhaustion of fish stocks and degradation of environment. With rapid population growth, consumer demand continues to grow, and it is feared that the best qualities of fish products are now directed towards Europe, Asia, and the United States at the expense of the local communities that are far more dependent upon fish for food. On the other hand, we are witnessing, in the context of globalization, a wave of private ownership of maritime space (including individual transferable quotas) presented as the only solution to the depletion of resources. The sea, a space traditionally marginalized, has turned into highly profitable territory. The initiatives of certification and control themselves remain ambiguous and seem more weighted towards assisting industrial fishing than in promoting a genuine alternative. In this Section I will review the various policies and their impacts undertaken by the government.*

*An analysis of the policies impacts of fishery sector are related to the strategic directions is:*

*-An adoption new conditions to access fish resources:*

*The fisheries Code adopted by the Government, focuses on monitoring the resource, control and surveillance of fishing activities, capacity and safety at sea for artisanal fishing, institutional support for the establishment of sustainable fisheries, strengthening human capacities and evaluation and audit of partnership actions. The amount of financial compensation from the fishing agreements serve to take the following actions:*

*-Strengthening, monitoring provisions, control and monitoring of the resource and fishing areas:*

*-Maintenance of research vessel "General Lansana Conté," attainment of small launches equipped with VHF radio type system for rapid, local advisory committees created in the various fisheries, recovery of production landed by a development of landing sites and achievements infrastructure, construction and equipment of a modern laboratory to certify the quality of fishery products for exportation;*

*-Strengthening the Sub Regional and International Cooperation Policy:*

*Regular consultations with neighboring countries that will address some sources of conflict between artisanal fishermen, to sign the new agreement between Guinea and EU.*

#### **PARAGRAPH I: Impact of Domestic Fisheries Policies.**

*Alongside these external policies of the fisheries sector planning, the Guinean government has set up administrative structures, technical and scientific structures, and assistance supported through:*

*-Operating subsidies (tax breaks) and export to reduce costs, boost exports and maintain competitiveness in foreign markets;*

*-A maritime credit projects through the Mutual Save and Credit for Artisanal Fishermen of Guinea (MECREPAG);*

*-A flexible institutional framework and structures more suited to monitoring and control activities;*

*-The publication of a new Maritime Fishing Code by Law N° 2015/026 /NA 15<sup>th</sup> of September 2015.*

*Direct aids, which first seeks to reduce operating costs in all sectors of fishing (artisanal and industrial) include: tax refund of fishing fuel and imported inputs or equipment (motors, fishing gear ...). The government also accompanied financially since 1995 a policy of compliance with EU standards of exporting companies and freezer vessels.*

*For artisanal fishing there is the creation of a National Artisanal Fishery Office for this purpose and the government initiated with the support of donors, a policy of extending the landing sites of the artisanal fishing at (Boulbinet, Temenetaye, Kaporé), ( spatial landing Bongolon, Taboria, Koukoudé, Kamsar Kanfarandé, Guèmèyiré between 1996-2016 through funding by JICA, FDA, World Bank and China. Among the indirect measures implemented by the government include the development of a short and medium term strategy with the private sector. These regulatory devices translate bills to liberalize the recruitment of workers, the elimination of taxes on exports and imports of industrial inputs, the abolition of monopoly in the field of shipping and enactment of an investment code.*

**PARAGRAPH II: Impacts of Regional Fishery Policies.**

*Guinea has long enjoyed enormous technical interventions in the framework of bilateral cooperation programs and the support of international funds. These actions have allowed the government to achieve the specific objectives to the fisheries sector or more generally, the general choice (liberalization and development in the productive sectors and merchants fishing).*

**CHAPTER II:** *Analysis of Fishery Agreements content.*

**Objective:** *The objectives of the following chapter are:*

*-Describe the criteria and set goals for fleets or fishery vessels authorized by third countries under fishery agreements in financial volumes that are intended to offset rights allocated and the amount of royalties to be paid for each of European fishery vessels to undertake these activities in Guinea;*

*-Describe the practical arrangements for monitoring these agreements, including the definition of information exchange relative to EU vessels presence in our EEZ and the catches made on this matter;*

*-Describe technical measures to conserve resources for sustainable use.*

**SECTION A:** *Analysis of Legal and institutional frameworks of Fishery Agreements in Guinea.*

**Objective:** *The following objectives of this section are:*

*-The brief description of the various international, regional and sub-regional conventions or agreements on the Law of the Sea and related fields that Guinea has signed and adopted and which are the current legal basis for sound management of the sea and its resources.*

*By appropriate institutions for performing fisheries agreements;*

*-The description of the fisheries administration and its mission in the implementation of government policy regarding of Fisheries and Aquaculture sector if the adoption of a consensual international law on the Law of the Sea only since 1982 and if this convention is nowadays the latest legal basis, the fact remains that before that date, many texts and international agreements already governed the sea. Pursuant to these many texts, Guinea passed national laws and regulations, implement appropriate institutions for performing fisheries agreements.*

**PARAGRAPH I:** *Legal Aspects of Fishery Agreements Analysis.*

*Both Fishing International Organizations (FIOs) that the mechanisms and bilateral cooperation agreements are because of the great principles of international fisheries governance enshrined in the Law of the Sea. This body of law includes, on one hand, binding texts and, secondly, voluntary instruments but constituting, nonetheless, an essential reference. Among the first I must mention: The United Nations Convention on the Law of the Sea 1982 and the Straddling and Highly Migratory Fish Stocks Agreement 1995. Another important instrument in this context is the FAO compliance Agreement 1993. As for the voluntary type of instruments, I mention the Code of Conduct for Responsible Fisheries adopted by the FAO in 1995, for the practice of IUU fishing following by sanctions from the European Union, Guinea recently signed the Agreements on port State measures to prevent and eliminate IUU fishing in 2016. FAO Agreement to promote compliance by high seas fishing vessels with international conservation and management measures (called Compliance Agreement, 1993) , The Convention on International Trade in Wild Fauna and Flora (CITES) , The Convention governing the area covered by the International Commission for the Conservation of Atlantic Tunas (ICCAT), The Memorandum of Understanding on the control of ships by the port State (IMO 1999), The Maritime Labor Convention (MLC 2006) and Guidelines for the agents responsible for control by the port State conducting inspections (2008) , The International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated fishing 2001 (IPOA - IUU), Directives*

volunteers for the conduct of the flag's State (FAO 2013) ,Convention of sub regional cooperation in the exercise of further maritime law (1993),Protocol on practical arrangements for coordination of surveillance operations in the member states of the SRFC (1993) ,Convention African (African Union) on the Conservation of Nature and Natural Resources (Maputo Convention, 2003) ,Convention on cooperation in the protection and enhancement of the marine environment and coastal areas in West and Central Africa (Abidjan Convention, 1981),The Ministerial Conference on Fisheries Cooperation among African States bordering the Atlantic Ocean (ATLAFCO 1991),The European Council of IUU Regulation Rules 1005/2008.

### **The United Nations Convention on the Law of the Sea.**

*The oceans have long been subject to the doctrine of freedom of the seas, a principle in the seventeenth century essentially limited the rights and jurisdiction of the nations on the oceans to a narrow strip of sea bordering the national coasts. The rest of the sea was open to all and belonged to no one. This situation persisted until the twentieth century, but governments have steadily increased their claims on offshore resources, increasingly concerned about the damage that fishing fleets in the long term caused to coastal fish stocks as well as by risks of pollution and waste from transport ships and tankers loaded with hazardous goods plying the sea routes of the world. The risk of pollution is spreading, threatening the beaches and all forms of marine life. The fleets of the maritime powers vying to maintain their presence throughout the globe, not only on the sea surface but also the seabed.*

*The inextricable proliferation of claims, the prospect of the Seabed providing an abundance of resources, an increased presence of the maritime powers and the pressures of long distance sailing, as well as the contrast between the seemingly outdated doctrine of freedom of sea and aspiration of coastal states to manage their fisheries and other endangered marine natural resources; everything seemed to indicate that the oceans are becoming a new area of conflict and instability. Thus upon 1982 the adoption of the UN Convention on the Law of the Sea, ended the paradigm freedom of the seas that existed before. It provides a legal framework for responsible management of fisheries resources. This Convention requires coastal states to grant access to overs stocks in the exclusive economic zone (EEZ) in other states. However, Article 62 also requires that those other States comply with the conservation measures and other terms and conditions of access established by the coastal State. The Convention gives a wide scope to coastal States to define these terms and conditions of access, which may cover, among others, conditions permitting, catches and quota limits, regulating seasons and areas fishing, the type and size of fishing gear, the placement of observers on foreign fishing vessels and research program making demands on fishing.*

*Within an EEZ, the coastal State has sovereign rights to explore, exploit, conserve and manage living, or non-living natural resources under Article 56. Meanwhile, the coastal State is to conserve and manage natural resources, living or non-living. Meanwhile, the coastal State is obliged to determine the total allowable catch (TAC) of living resources within its EEZ and to ensure, through appropriate an conservation and management measure that maintaining these resources is not threatened by overexploitation.*

*The measures adopted by the coastal State should also aim to maintain or restore unexploited species at levels to ensure maximum sustainable yield, as qualified by relevant environmental and economic factors. If fish stocks are shared between the exclusive economic zones of one or more coastal States or the reserves in question are classified as straddling or highly migratory, the 1982 Convention, in conjunction with the United Nations Agreement 1995, impose such additional obligations to the coastal State.*

### **Lomé Convention**

*The Lomé Convention is an agreement governing cooperation between the EU and the African, Caribbean and Pacific States. The agreement cannot take into account the realities of certain key sectors for which specific protocols are needed. This is the case of fishing. Since 1974 a series of agreements signed between the European Community and the ACP (Africa, Caribbean, and Pacific) called Lomé Convention in the area of fisheries that Convention aims to:*

- Promote cooperation between ACP countries and the EC or EU in the optimal and rational use of fisheries resources;
- Involvement of ACP countries in the exploitation of resources in their Exclusive Economic Zone (Lomé VI articles 58 et59);
- Obtaining assistance to ACP countries from the Community for fisheries development, monitoring and sustainable management of their environment.
- Promoting cooperation in the area of training for ACP countries.

### **Cotonou Convention**

*The new Partnership Agreement successor to the Lomé Convention binds seventy-nine African, Caribbean and Pacific countries in the European Community; indeed, the ACP-EU Council has accepted the membership application of six Pacific Islands, South Pacific Forum members, these countries participate in the new agreement. It was signed in Cotonou on 23<sup>rd</sup> of June 2000, after a difficult negotiation that began in September 1998. The main directions of the Agreement were the subject of intense discussion since 1996 from the Green Paper of the European Commission. A broad public debate in Europe and the ACP countries on the basis of proposals and options contained in the Green Paper was used to measure the expectations of changes needed to revitalize the partnership. The discussions initiated in 1996 made first state mixed results successive Lomé Conventions. It is also aims to:*

- Promoting cooperation between ACP countries and the EC or EU in the optimal and rational use of fisheries resources;
- Involvement of ACP countries in the exploitation of resources in their Exclusive Economic Zone;
- Obtaining assistance to ACP countries from the Community for fisheries development, monitoring and sustainable management of their environment;
- Promoting cooperation in the area of training for ACP countries.

### **Convention on Biological Diversity**

*The Convention on Biological Diversity makes two important distinctions with respect to its scope. It distinguishes, on one hand, the "components of biological diversity" and "activities and processes «and, secondly, the areas inside and outside the limits of national jurisdiction of Parties. Within the limits of national jurisdiction of a Party, the provisions of the Convention apply to the components of biological diversity and the processes activities that may affect this diversity.*

*In the areas outside these limits, the Convention applies only to processes and activities that are carried out under the jurisdiction or control of a Party that may affect biodiversity. Because they enjoy neither a sovereign right over the resources under jurisdiction in the matter, the Parties have no direct obligation in terms of conservation and sustainable use of specific elements of biological diversity in areas beyond the limits of national jurisdiction. The Convention on biodiversity diversity therefore stresses that the parties must cooperate in an areas beyond national jurisdiction for the conservation and sustainable use of biological diversity. In Articles 7 and 8 require the contracting parties to identify policies and activities that threaten biodiversity and manage through an appropriate legislation and regulations. This need continues, to some extent, the dimension of respect for biodiversity and the obligations lay down by the law of the Sea.*

*In accordance with the UN Charter and the principles of international law, states have the sovereign right to exploit their own resources pursuant to their own environmental policies and have the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.*

### **Code of Conduct for Responsible Fisheries of FAO.**

*The Code of Conduct for Responsible Fisheries was developed by the FAO Committee on Fisheries (COFI) and adopted by the FAO Conference in 1995. The concept of responsible fisheries and the possibility of developing guidelines or a code of practice for responsible fisheries were raised in 1991 at the session of the FAO Committee on fisheries (COFI) within the framework of discussions on pelagic large-scale driftnet. This led to the holding of an International Conference on Responsible Fishing in Cancun, Mexico in May 1992. The Conference concluded with the adoption of the Cancun Declaration, which among others, asked FAO, in consultation with other international organizations, to draft an international Code of Conduct for Responsible Fisheries. The objective of the Code is to promote sustainable long-term use and rational fishing. The Code adopts a holistic view of the world's fisheries. In doing so, it establishes principles and standards for the conservation and management of all fisheries and treats the capture, processing and trade in fish and fishery products, fishing operations, aquaculture, research in the field of fishing and the integration of fisheries into coastal zone. The Code is global in scope and is intended not only to States but also to entities engaged in fisheries, sub regional, regional and global organizations and more generally to everyone affected by the activity Article 4 of the Code of conduct urges indeed all states, members or non-members of FAO, entities engaged in fishing and all persons involved in the management. The conservation and sustainable use of fisheries resources and trade in fish and fishery products, to collaborate to ensure the realization and implementation of the objectives and principles of the Code. The Code of Conduct for Responsible Fisheries is a voluntary instrument and it is the first international instrument of its kind to be concluded for the fisheries sector. As a voluntary instrument, the Code does not require formal acceptance by governments unlike other international treaties recently concluded for example, the Agreement on the United Nations Fish Stocks of 1995 and the Compliance Agreement the 1993 FAO. However, governments and other stakeholders have a moral obligation to act responsibly and to address urgent development issues and sector related issues.*

*The code consists of 12 items. However, the main sections of the Code are Articles 6 to 12. These articles show how the Code is comprehensive, addressing the general principles, fisheries management, fishing operations, the development of aquaculture, integration of fisheries into coastal zone, post-harvest practices, trade and fisheries research.*

### **Convention establishing the Sub Regional Fisheries Commission (SRFC) on conditions for access to resources.**

*Under the Regional Fisheries Commission (SRFC) is an intergovernmental organization of fisheries cooperation established in March 1985. Its objectives are:*

- (1) Harmonization of long-term policies of the Member States for preservation, conservation and exploitation of fishery resources.*
- (2) Strengthening of cooperation for the welfare of their respective populations. The creation of this institution recognizes the important position occupied by fisheries in the economy of the member countries of the SRFC. This role would be even greater if national policies on fisheries managed to adjust fishing capacity to the productivity of fish stocks. The strong overcapacity which affects the majority of fisheries in the region is in fact the cause of high shortfalls. They reduce the stock productivity and amplify their variability. They are also the source of incessant conflicts between fleets. In their current form, fisheries agreements with third countries participating in this overcapacity and over fishing, as the delay by the coastal countries themselves to agree on the sharing of inventory production they have in common. To reduce these imbalances, the institutions that govern, access to fishing must adjust to the new conditions of resource scarcity. As long as the existence of virgin stocks*

allowed the expansion, fishery regulation needs would be limited to the conservation of the stock productivity through the application of technical measures (protection of juveniles, retention of sufficient spawning biomass to maintain productivity of the stocks at a high level). Having only side effects on the distribution of wealth, the above measures have been implemented by regulations (decisions and administrative norms).

Today, with the exhaustion of opportunities for expansion, a new need for regulation appeared. The natural limits of fish stocks production should now be shared between fleets, and among the fishermen. For this, the arms must be selected and limited their respective shares. Indeed, without effective regulation of access, capture capabilities are inevitably exceeded and are thus highly necessary and sufficient for the sustainable exploitation of stocks, prevent the decline in their productivity and reduce the risk of conflict. Such regulation, however, is practically impossible through normal channels. To adjust Fishing capacity in inventory production potential, the economic mechanisms (imposition of a fee on catch or catch means or better allocation and exchange dealers of fishing rights) are more effective. The implementation of these mechanisms requires a reform of regulation systems. The ownership of resources and fishing rights should be clarified. New structures are needed to develop management plans, implement appropriate mechanisms of regulation for access, apply the rights and obligations of the fishermen, and organize consultations on operating policies with professional organizations. The realization of such reforms conditions depend on the political - national or foreign - and socio-economic - artisanal or industrial - fishing fleets as well as the legal status of fisheries resources - national stocks shared or straddling. As for the foreign fleet, member states of the SRFC have entered into various agreements which, except those signed between member States relate to countries outside their home jurisdictions. European Union, Japan, China, etc. The implementation of these protocols agreements determine among others, the fishery resources concerned and the conditions to exercise of fishing applicable to vessels concerned.

So far, the conclusion of such agreements was made on the basis of separate negotiations, without prior consultation between the Member States. Access conditions and fishing capacities rarely form part of national development plans. Furthermore, for shared stocks covered by these arrangements, no management plan is available at the sub regional level.

Such agreements also result in significant foreign fishing capacity transfers in addition to the national industrial and artisanal fleets, while the sub regional context is marked by overexploitation of key stocks with socio-economic interest, as a result, the degradation of fisheries. These problems of overfishing and degradation of fisheries resources are largely related to excess fishing capacity whose alleviation or prevention requires an appropriate management system. The management of fishing capacity is in the general objective of ensuring sustainable fisheries, as reflected in the Code of Conduct for Responsible Fisheries. The overfishing problems emerged in the world's fisheries; almost 16% of stocks are recognized dangerously overfished, caused a real international awareness that resulted from the Summit of **Rio de Janeiro**, for the establishment of various instruments and conventions. They allowed questioning the reality of the fisheries agreements between the northern countries and southern, two groups of countries with excess capacity and inventory problems occurred until recently in different terms. This realization has led to a strong mobilization, internationally, Non-Governmental Organizations (NGOs), professional organizations of fishermen, organizations working for the protection of the environment, to the advent of 'fair fisheries arrangements and compatible with sustainable use: WWF VICN, NOVIB SCOMBER, CAPE, etc. The debate has broadened within the EU institutions where questions were raised about the cost of increasingly high fishing agreements on the EU budget, and as to inconsistencies between the Common Fisheries Policy (CFP) and the policy of development assistance to south countries signatories at the request of the European Commission. The results of this study for the period 1993-1997 include, among others, all member states of the SRFC. In this context, the Secretariat of the SRFC, as the experience of the Forum Agency fisheries of the South Pacific (South Pacific Forum fisheries Agency - FFA), an organization of 16 countries that has achieved encouraging results in terms of fishing agreements before major fishing powers such as the USA, Japan, Korea or Taiwan, initiated a long-term process on the issue of fisheries agreements. Act 1 of this process leading to sub regional agreements was presented at the thirteenth regular session of the Conference of Ministers of member states of SRFC (1998). This reflects, no doubt the first manifestation of a decision under regional policy awareness on fisheries agreements. The consideration for this interest has led the SRFC to develop a working paper to enable it to initiate a reflection on the long-term future of fishing agreements in the sub region. The objective of the SRFC on this issue is to concerted regional political position and to engage in a process of cooperation on access agreements with foreign fishing.

### **Access to resources:**

Access to resources is subject to the formalities below:

- Write a license application to the Minister of Fisheries Aquaculture and Maritime Economy;
- Enrolled the vessel in the classification register;
- Mandatory -Presence of the vessel at a docked for technical and sanitary visits, for tuna it is suitable practical arrangements between the Ministry of Fisheries and the competent authorities of the vessel's flag state (for foreign vessels);
- Registration or booking the vessel at the national fishing registers;
- For Guinean vessels present an act of nationalization, and for foreign vessels the registration certificate is required;
- Presentation of a sailing license;
- Presentation technical and sanitary approval;
- Obligation for the vessel owner to equip with a satellite locating device compatible to Fisheries Police Monitoring National Center system;
- Presentation of an original certificate gross tons;
- Obligation marking the vessel in accordance with applicable standards;
- Submit a color photo of the vessel on which it is possible to clearly identify the marking elements;
- Payment of taxes and fees set by the law;
- Boarding of an observer and Guinean seamen;
- Realization of infrastructures such as (cold storage, cold storage and ice plant units).

### **Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks.**

*The current fisheries governance is largely based on the rights and obligations of States and their nationals, as specified in the United Nations Convention on the Law of the Sea 1982. Add to that a number of instruments more or less binding, which are part of the global regime for ocean governance,*

*which includes the Code of conduct for responsible fisheries of FAO (1995). The common element of these additional instruments is that they all aim to improve the relevant provisions of the 1982 Convention which more particularly on the conservation and management of the high seas living resources. The most important of these instruments is the UN Agreement on 1995 fish stocks which entered into force on December 2001. This agreement stems from a conference proposed by the United Nations Conference on environment and development (UNCED) in 1991 within the framework of Agenda 21, and held under the auspices of the United Nations in order to ensure the effective implementation of provisions, the UN Convention on the law of the sea on straddling stocks and highly migratory species. This conference was born of the crisis affecting marine fisheries in 1990 and led to the collapse of fish stocks valuable, such as cod in the North Atlantic and Pollock in the Bering Sea. This collapse has led to tensions between the coastal states and other states fishing on the high seas, tensions that have spilled much ink and also what) do not need to remind here. Suffice it to say that in the early 1990s, it became clear that the system of high seas fisheries, established since the 1982 Convention was not enough to prevent the depletion of global fish stocks. The situation of straddling fish stocks and highly migratory fish stocks was particularly serious. Obviously, the coverage of high*

seas fisheries by regional agreements was incomplete. Even where they had been entered, regional agreements rarely led to the establishment of adequate instruments for enforcement. They did not allow, either, the settlement of disputes associated with the distribution of resources between the fishermen States, or resolve the question of rights, obligations and the respective interests of coastal states and other states fishing on the high sea or tackle the issue of rights and obligations of new entrants to the fishery.

The fish stocks Agreement is primarily intended to implement the provisions of the 1982 Convention this is explicitly provides in Article 4 reads: "Nothing in this Agreement shall prejudice the rights, jurisdiction and duties of States under the Convention. This Agreement shall be interpreted and applied in the context of the Convention, and in a consistent manner with it. "This clearly shows that the 1982 Convention remains the jurisprudential basis of the provisions of United Nations Fish Agreement (UNFA). Three pillars. Together, these pillars are designed to help achieve the first objective, which is the conservation and sustainable use of straddling and highly migratory fish stocks.

-The first pillar consists of a statement of principles and practices that should be the basis for improved inventory management. The main objective is to search for compatible systems of conservation and management inside and outside of national jurisdiction. It is appropriate to establish measures of conservation and management based on the precautionary principle and to use of benchmarks, derived from the best available scientific information, to determine the level of inventory usage.

-The second pillar is to ensure compliance and enforcement of conservation and management measures and to ensure that these efforts are not undermined by those who these fish stocks. Compliance with the measures should be a collective responsibility of all States concerned. UNFSA further recognizes that effective implementation of offshore regulations must be based on increased cooperation between states. To this end, the primary responsibility of flag States is reaffirmed. In addition, a framework for States other than the flag State, including among others a globally recognized right to board ships and to carry out inspections there to support conservation and management measures agreed in regional or global scale, was established and with safeguards to prevent abuse.

-The third pillar is the establishment of a mode of peaceful conflict resolution. While this offers various options for settlement non-binding, each dispute may, ultimately, be submitted to a court which will take a binding decision. Despite the important role conferred on them by these texts and their number, the effectiveness of Regional Fisheries Management Organizations (RFMO) is debated. Their limits have various origins and consequences of varying importance. They relate both to their interstate nature, the difficulty of their mission, their fashions and running average. That is why the study of their boundaries is inseparable from that of the International Fisheries Organizations through both. On one hand, I am a part of their operation, in example the nature of the International Fisheries Organizations (IFO) and their basis. In this sense, the IFO highly dependent on the states that create and compose other hand their activities through the means at their disposal and the results they get. From this perspective, it is to update their difficulties to fulfill their mission satisfactorily.

### **FAO Agreement to promote compliance by high seas fishing vessels with international conservation and management measures (called Compliance Agreement, 1993).**

To promote compliance by high seas fishing vessels with international conservation and management measures is an international agreement adopted in November 1993 by the FAO Conference and returned in force since at 23<sup>th</sup> April 2003. It aims to ensure compliance by all States the obligation made by UNCLOS to take all measures to ensure the conservation of biological resources in the high seas. Therefore, the agreement expressly provides for the responsibility of the flag state when it is proved that the ship was actually registered in that State.

It refers in its preamble to the Cancun Declaration adopted by the International Conference on Responsible Fisheries in 1992 and Agenda 21 -Chapter 17 adopted by the United Nations Conference on Environment and Development (Earth Summit 1992) which explicitly require States to take measures consistent with international law, to deter their nationals from reflagging of vessels to avoid the conservation and management rules at sea. It also states that vessels should not fish on the high seas by virtue of express authorization by the flag State.

*To strengthen the accountability of the latter, the agreement stipulates that such authorization should not be provided if the flag State is not able to guarantee that the ship will not jeopardize the conservation and management measures applicable in high seas. In this Agreement, the parties may take advantage of a number of rights. In accordance with Article 2 paragraph 2, a Party may exclude from the application of this Agreement fishing vessels entitled to fly its flag with a length less than 24 meters, unless it determines that such an exemption would undermine the object and purpose of this agreement.*

*Also, in any fishing region where the exclusive economic zones, or equivalent zones of national jurisdiction over fishing have not yet been declared by the neighboring coastal states, coastal states parties to this agreement, directly or through via a regional organization of fisheries appropriate, may agree to establish a minimum length for fishing vessels below which this agreement does not apply to fishing vessels flying the flag of a coastal State and operating exclusively in this area (Article 2 al.3).*

*Note that under this agreement, any State has the obligation to effectively exercise jurisdiction and control over vessels flying its flag are included fishing vessels and vessels engaged in the transshipment of fish.*

*This FAO Agreement assigns to States Parties a number of obligations:*

*Article 3 aliéna.1 the agreement establishes an obligation to take international conservation and management "each Party shall take such measures as may be necessary to ensure that fishing vessels entitled to fly its flag do not perform any activity likely to undermine the effectiveness of international conservation and management ".*

*Next Article 4 "each Party shall, for the purposes of this Agreement, maintain a ship file fishing entitled to fly its flag and authorized to be used for deep sea fishing and take any measures necessary to ensure that all ships fishing are entered in that file. "*

*Parties also have the obligation to "take enforcement measures against ships entitled to fly its flag which contravene the provisions of this Agreement "(Article 3 alienated 8).*

*Article 5, which deals with international cooperation is the monitoring of the port State and plans on this point that: "The Parties shall cooperate as appropriate in the implementation of this Agreement, including through exchange of information, including evidence, regarding fishing vessel activities to assist the flag State in identifying vessels flying its flag reported to have engaged in activities undermining international conservation and management to enable the State of pavilion to fulfill its obligations under Article III. When a fishing vessel is voluntarily in the port a party other than the flag State, that party, if it has reasonable grounds to believe that the fishing vessel has been used for an activity that undermines the effectiveness of measures international conservation and management, shall promptly notify the flag State .Consequently. Parties may make arrangements regarding the undertaking by states harbor inquiries they deem necessary in order to establish whether the fishing vessel has indeed been used contrary to the provisions of this Agreement.*

***Agreement on Port State measures spring to prevent, deter and eliminate illegal, unreported and unregulated (IUU -2009).***

*This Agreement aims to prevent the marketing of illegal catches in international markets. It applies only to vessels flying foreign flags and innovates in concerns prior notification and permission to enter a port; the number of inspections in port to make respecting the universal minimum standards; prohibited offenders ships port services; and the creation of networks for the exchange of information.*

*The 2009 Agreement makes specific reference to the Convention on the Law of the Sea from 1982 and the international's Action Plan to fight, prevent, deter and eliminate IUU fishing in 2001 which it intends to legally spend inputs in control process against IUU fishing.*

*It provides that Parties:*

*-Integrated measures of port State spring in a wider system of control by the port State; include measures of port State spring in other measures to prevent, deter and eliminate IUU fishing; and take steps to share the information among relevant national agencies and to coordinate the activities of these agencies in the implementation of this Agreement. It organizes a wide network of cooperation and information exchange. It defines the conditions before entering port (designated ports; notification).*

Article 16 states:

*"To facilitate the implementation of this Agreement, each Party shall, where possible, establish a communication system for the direct electronic exchange of information, taking into due account of appropriate confidentiality requirements ».*

*"FAO urges regional appropriate fisheries organizations management to provide information concerning the measures or decisions they have adopted and implemented under of this Agreement, that such data be introduced, to the fullest extent duly given and the relevant requirements of confidentiality, in exchange mechanism information referred to in paragraph 2 of this Article. "*

*To this end, it should be stressed that the SRFC has initiated the development of an implementation guide the 2009 Agreement to facilitate and adapt its implementation in each Member State.*

*Capacity building sessions for staff responsible for fisheries surveillance are running. In Article 20 paragraph 5, "each Party shall, in its capacity as a flag State, makes report to other Parties, relevant port States and, where appropriate, to other States and regional organizations appropriate fisheries management as well as FAO, on the measures taken in respect of vessels authorized to fly its flag for which it was established, because of the measures spring port State taken under this Agreement, they have engaged in IUU fishing or related activities in support of such fishing IUU fishing. "*

*The Agreement specifies the port usage rules (denial of access to any vessel sighted as practicing or supporting IUU fishing activities within the area of regional fisheries management organization or in the under the jurisdiction sea of a coastal State, or to any vessel on a "blacklist").*

*According to Article 11 aliéna.1, "where a Party allows a ship to enter its ports, does not allow this ship in accordance with its laws and regulations and in a manner consistent with international law, including this Agreement, to use its ports for landing, transshipping, packaging and processing of fish has not arrived previously and for other port services including, among others, the fuel supply and resupplying, maintenance or dry-docking if:*

*The Party finds that the vessel does not have a valid authorization and applicable to engage in fishing or related activities fishing required by its flag State;*

*The Party finds that the vessel does not have a valid and applicable authorization to engage in fishing or related activities fishing required by a coastal State in respect of areas under the national jurisdiction of that State;*

*The Party receives clear evidence that the fish on board was taken contravention of applicable requirements of a coastal State in respect of areas under the national jurisdiction of that State.*

*The flag State does not confirm within a reasonable time, at the request of the port State, that the fish on board was taken in compliance with the applicable requirements of a regional fisheries management organization responsible, taking due account of paragraphs 2 and 3 of Article 4;*

*The Party has reasonable grounds to believe that the vessel has engaged in any other manner, IUU fishing or related activities in support of such fishing IUU fishing, including in support of a vessel referred to paragraph 4 of Article 9.*

*The Agreement regulates, furthermore, inspections and follow-up actions and responsibility of flag State.*

Thus, each Party shall inspect its ports the number of ships required to achieve an annual level of sufficient inspections to achieve the objective of this Agreement. (Article 12 para 1).

Article 18 provides that bylaw 1: Where, following an inspection, there are clear grounds for believing that a vessel has engaged in IUU fishing or related activities in support of such fishing IUU fishing, the Party making Inspection:

Informed promptly and report its findings to the ship's flag State and, as appropriate, coastal States, regional management organizations and other relevant fisheries appropriate international organizations, as well as the State of the ship's master is a national;

Refuse vessel to use its port for landing, transshipping, packaging and processing of fish that have not been previously landed and for other port services including, among others, fuel supply, fueling, maintenance and dry-docking, if these actions have not already been taken in respect of the vessel, consistent with this Agreement, including Article 4.

And Article 20 adds:

**Paragraph 2:** When a Party has reasonable grounds to believe that a vessel entitled to fly its flag has engaged in IUU fishing or related activities in support of such fishing IUU fishing and seeks to enter the port of another State, or can be found, she asks, if any, in this state to inspect the vessel or to take other measures consistent with this Agreement.

**Paragraph 4:** If, following an inspection by the port State, a Party that is a State of pavilion receives an inspection report indicating that there are serious reasons to believe that ships entitled to fly its flag has engaged in IUU fishing or fishing related activities support for IUU fishing, it shall immediately and fully investigate the matter and if it is sufficient evidence, it shall, without waiting for enforcement action under its laws and regulations. Regarding the developing states, "Parties recognize fully the special needs of Parties that are developing States in terms of the application of measures of state spring compatible port with this Agreement. To this end, they provide them with assistance, either directly or through FAO, other United Nations agencies or other organizations or bodies' appropriate international, including regional fisheries management organizations. (Article 21 para 1).

### **Convention on International Trade in Endangered Species of Wild and Flora (CITES)**

The Convention on International Trade in Wild Fauna and Flora (CITES) or Washington Convention), is an international agreement between states. It aims to ensure that international trade in specimens of wild animals and plants does not threaten the survival of the species to which they belong.

Adopted in 1973 and entered into force in 1975, (CITES) although binding, remains a framework that each Party shall respect by putting in place legislation ensuring respect for Convention at national level. For years, CITES is the number of agreements on preservation that has the widest membership. It currently has 178 Parties, including all member States of the Commission Sub Regional Fisheries. Article II (Basic Principles) defines the content of each Appendix to (CITES).

**Paragraph 1:** Appendix I, include species threatened with extinction which are or may be affected by trade. Trade in specimens of these species must be subject to particularly strict regulation in order not to further their survival in danger, and must be authorized in exceptional circumstances.

Appendix II includes:

a) All species which although is not necessarily now threatened with extinction may become so unless trade in specimens of these species was not subject to strict regulation in order to avoid utilization incompatible with their survival;

b) Other species which must be subject to regulation in order to make effective control trade in specimens of species included in Appendix II pursuant to paragraph a).

**Paragraph 2:** Appendix III includes species that a Party identifies as being subject to the limits its competence to regulation aimed at preventing or restricting their operating, and needing the cooperation of other Parties in the control of trade.

**Paragraph 4:** The Parties shall not allow trade in specimens of species included in Appendices I, II and III except in accordance with the provisions of this Convention. It is with these provisions that the SRFC has contributed to the international effort to conserve and sustainable management of sharks by including (1) updating the IUCN Red List for Sharks in West Africa (in 2006) and (2) support for the registration for the 16th Conference of States Parties (COSP) to CITES (Bangkok - Thailand, March 3 to 14, 2013) -to fish saws and other shark species on the CITES appendices .Indeed, most species of sharks are overexploited so that they play a leading role in ecosystems of the Member States of the SRFC.

#### **Convention for governing the area covered by the International Commission for the Conservation of Atlantic Tunas (ICCAT).**

The International Commission for the Conservation of Atlantic Tunas (ICCAT) signed 1966 and entered into force in 1969, was amended in 1984 and 1992. Its jurisdiction extends geographically to the Atlantic Ocean and adjacent seas and their tuna and other associated species resources. Its goal is to maintain tuna and other tuna populations to a level that allows a sustainable maximum catch that can provide maximum sustainable catch for food and economic purposes.

Two key issues were raised by Member States during negotiations on tuna fisheries agreements:

-The requirement to foreign arms to board in accordance with national laws, a scientific observer or controller and a number of national seafarers;

-An obligation of landing catches to supply the local market in fish. Currently, Guinea as a member state of the SRFC has an observer status with the ICCAT.

#### **Memorandum of Understanding on the control of ships by the port State (IMO 1999).**

The Memorandum of Understanding on Control of ships by the Port State in the region of West and Central Africa (Abuja MoU) was signed in Abuja Nigeria, October 22<sup>st</sup> 1999 during a Ministerial Conference by representatives of sixteen (16) coastal States of West and Central Africa, including South Africa and Namibia. It comes as an adjunct to the global initiative of the International Maritime Organization (IMO) for the dismantling substandard ships, the conditions of life and work of seafarers and preservation of the marine environment.

The Abuja Agreement is the legal instrument by which the States of West and Central Africa have agreed to develop and implement common mechanism activities for the Control of Ships by Port State. The main activity of the Abuja MoU is the harmonization of practices and procedures of State to control of the port in all state of the region, aimed at dismantling the operation of substandard vessels in the area to safety to ensure maritime security, protection of the marine environment, improved living and working crews of vessels, facilitating regional cooperation and information exchange between Member States.

The West Africa is ahead of the establishment of control measures of the Port state, well before the establishment of the 2009 FAO Agreement on measures of state spring port.

#### **The International Convention for the Prevention of Pollution from Ships 1973, as modified by the Protocol of 1978 relating there to (MARPOL 73/78).**

The 1973 International Convention for the Prevention of Pollution from Ships (MARPOL) is an instrument initiated by the International Maritime Organization to replace the OILPOL Convention on the pollution of the sea by oil, 1954, which had proved to be inefficient. Established by the International Convention for the Prevention of Pollution from Ships, signed in London on 2<sup>nd</sup> of

November 1973 by a protocol from 1978 and two amendments of 1985 and 1987, the MARPOL Convention was finally ratified by 136 countries for cepts.

It was initially shunned, but oil disasters, like the Metula in 1974 or the Amoco Cadiz in 1978 eventually led to further consideration of this regime. Finally, the MARPOL 73 / 78 Convention did not come into force until 2<sup>sd</sup> of October 1983.

Its main objective is to fight against all vessels pollution that can have several origins: hydrocarbons, chemicals, containers, wastewater and garbage, their CO<sub>2</sub> emissions.

MARPOL is not only a repressive role but also imposes rules to design more secure vessels. They must have a double hull and be equipped with an oil separator and water.

This Convention sets up regulations on how they must complete their administrative files and cleaning in ports and imposes rules to allow the management charge of their waste. It also provides information on the progress of inspections on the vessels.

MARPOL is trying to do the best, but it is not always easy to impose heavy constraints, especially in the oil essential to the economy and industry of a country, she prefers to restrict rather banning.

For example, regarding the degassing of ships, it forbids that in closed seas limit also provided the spilled oil corresponds to the volume required for normal operation of the boat and that the degassing takes place at 50 nautical miles offshore.

MARPOL does not verify sufficiently the effectiveness of the correct application of the rules governing. It delegates that power to States; if they live oil will remain quite lax and also invite them to sanction vessels who commit offenses, without giving them the financial and human resources.

All vessels are subject to MARPOL regulations, the poor state of many IUU fishing ships in the of the sub region sea worth addressing. Indeed, besides the destruction marine habitats, these ships freely pollute the marine and coastal environment, requiring the member states of the SRFC to combat IUU fishing or face a potential ecological and economic disaster. This is the case of a Spanish fishing vessel in August 2013, which capsized within six miles of the marine Senegalese sea with a large quantity of onboard diesel and no possibility to identify the wreck under the 2007 Convention on the Removal of Wrecks.

### **Maritime Labor Convention (MLC 2006) and Guidelines for the agents responsible for control by the port State conducting inspections (2008).**

The Maritime Labor Convention (MLC) emphasizes in its preamble the obligation of security and safety of seafarers and their vessels as enacted in the International Convention 1974 for the Safety of Life at Sea (SOLAS) as amended, and the 1972 Convention on the International Regulations for Preventing Collisions at Sea, as amended, and the requirements for the training and skills required for seafarers contained in the 1978 International Convention on Standards of Training people at sea, Certification and Watch keeping, as amended.

The 2006 Convention recalls Article 94 of UNCLOS establishes the duties and obligations incumbent on the flag State in particular as regards working conditions, staffing and social issues on ships flying its flag.

Article 5 of the CTM (Responsibility to implement and enforce the provisions) states:

- That "Each Member shall effectively exercise its jurisdiction and control over ships flying its flag by establishing a system to ensure compliance with the requirements of this Convention, including regular inspections, reporting, monitoring measures and the prosecution in accordance with applicable law "(paragraph 2).

- That "Each Member shall ensure that ships flying its flag carry a maritime labor certificate and a declaration of maritime labor compliance as required by this Convention. "(Paragraph 3).

- That "Every ship to which this Convention applies may, in accordance with international law, to be from a Member other than the flag State, when in one of its ports , an inspection to verify that the vessel meets the requirements of this Convention ". (Paragraph 4).

- That "Each Member shall execute the responsibilities assumed under the present Convention by ensuring that ships flying the flag of any State that had not ratified do not receive more favorable treatment than those flying the flag of any State which has ratified it. "(Paragraph 7).

The 2008 Guidelines for agents responsible for control by the port State making inspections made under the Convention MLC 2006, give practical advice to control officers by the port State that verify the compliance of ships with the MLC.

### **The International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated fishing 2001 (IPOA - IUU).**

The IPOA - IUUF designed as an optional instrument, which incorporates and strengthens the rights and obligations of States to fight against IUU fishing. the IPOA - IUUF specify the responsibilities of States, the responsibilities of the flag state , measures the responsibility of the Coastal State, the measures of port States responsibility relating to internationally trade agreed, research bodies, regional fisheries management organizations that the special needs of developing countries and the role of FAO. The IPOA - IUUF provides several measures of port State spring in paragraphs 52 to 64.

Section 52 specifies that the port State should provide measures according to international law allowing it to control fishing vessels in order to prevent, deter and eliminate IUU fishing. These measures should be applied in a fair, transparent and nondiscriminatory.

Other measures relate to:

-prior request access authorization to the port expressed in time by providing the information on the quantity of fish on board (para 55);

-Denial of access to port a ship by the port State in case of IUU fishing activities are established and the flag State shall be informed (para 56);

The designation of ports open to foreign vessels and the capacity of these ports to perform necessary inspections (para 57);

-Communication of inspection results to the flag State, coastal States and regional management competent fisheries organizations (para 58 and 59);

-Confidentiality of information collected in accordance with national legislation of States (para 60);

-Preparation and publication of a national strategy and procedures for control by the port State, the training of port State control officers and capacity building (para 61);

-A bilateral cooperation, multilateral or through regional fisheries management organizations for the establishment of monitoring mechanisms, sanctions and sharing information agreed between members (para 62, 63 and 64).

The International Action Plan against IUUF must be available in the national action Plans.

### **Volunteer's guideline for the conduct of the flag's State (FAO 2013).**

The Voluntary Guidelines for the conduct of the flag State, adopted by the FAO in February 2013 are based on international law, in the case of UNCLOS. They aim is to fight against illegal fishing and related activities in support of such fishing, thanks to the effective exercise of responsibility of flag States and thus ensure the long-term conservation and exploitation of sustainable marine resources and marine ecosystems.

*Paragraph 8 of the guidelines states that "the flag State shall ensure that ships flying its flag does not devote themselves to unauthorized fishing in areas under national jurisdiction of other States " It complements the Code of Conduct for Responsible Fishery and the IPOA - IUUF on the responsibility of States to ensure that vessels flying their flag comply with standards of conservation and management of fishery resources. It states that "The flag State shall ensure that ships flying its flag do not conduct unauthorized fishing within areas under the national jurisdiction of other States."*

*The Guidelines are important in that they can be applied to both areas Maritime not under national jurisdiction, fishing and related activities placed under the national jurisdiction of the flag state or coastal state (subject to their respective agreements ).*

*We can also read with interest paragraph 37 Guidelines that provide a solution on the relationship between flag state and Regional Fishery Management Organization (RFMOs) and paragraph 39 and following that define the modalities of cooperation between flag states and coastal states.*

### **Convention of sub regional cooperation in the exercise of further maritime law (1993).**

*Taking the provisions of Article 111 of UNCLOS on the Law of maritime pursuit, this SRFC Convention's main purpose is to define "the general principles governing the right of pursuit exercised by any State party in respect of any ship operating in waters under its national jurisdiction and, after the customary warnings remained unsuccessful, attempting to avoid the leakage control by an aircraft or a ship in the service of the state».*

*In this context, it establishes basic principles for cooperation between the Parties the occasion of the exercise of the right of pursuit, including the effects of regulation resulting from the exercise of this right.*

*Article 3 states that the prosecution should be exercised continuously, no limit to beyond the territorial sea; within the territorial sea, within the limits agreed by protocols between the Parties concerned.*

### **Protocol regarding practical arrangements for coordination of surveillance operations in the member states of the SRFC (1993).**

*This protocol defines the coordination measures between member states of the SRFC in control and surveillance of fisheries. In this regard, it provides a wide cooperation through the organization of combined operations monitoring, particularly for Ships foreign flagged non-member states of the SRFC, operating in the sea under the jurisdiction of States parties, without being licensed issued by any one of these States.*

*The protocol specifies the communication regarding the modalities of cooperation, training, and equipment, boarding procedures, port facilities and collaboration with Observers Member States.*

*The protocol refers to the right of pursuit, as provided under the Convention on sub regional cooperation in the exercise of maritime hot pursuit.*

*The Convention on the Law of Sea and its Protocol on continuing coordination joint surveillance operations strengthens the implementation of Article 111 of UNCLOS. Indeed, the 1993 Convention allows the extension of the pursuit to the interior of the territorial sea of Member States.*

*However, this Convention is currently being revised to take into account, in a single instrument, integral concerns of Member States in the fight against IUU fishing, including illegal incursions in the EEZ under national jurisdiction offender's vessels, VMS information exchange, harmonization of inspection procedures and control and sanctions. The revised Convention will specify the SCS Titles IV and V of the CMA Convention.*

### **African Convention (African Union) on the Conservation of Nature and Natural Resources (Maputo Convention, 2003).**

*The African Convention on the Conservation of Nature and Natural Resources requires regulation of access to the resource by a system of authorization and adoption of measures of conservation (introduction of rest periods, temporary or localized operating activities, prohibition of destructive techniques and abandoned gear in the natural environment).*

*Next Article 1, of the Convention applies:*

*-To all areas that are within the limits of national jurisdiction of any Party (paragraph 1), to the activities under the jurisdiction or control of any party whatsoever within the area under its national jurisdiction or beyond the limits of national jurisdiction (paragraph 2).*

*-The Convention establishes a fundamental obligation in its Article 4 including that to take and implement preventive measures to improve the protection of the environment, promote conservation and sustainable use of natural resources, harmonize and coordinate policies in these areas.*

*These measures should allow these funds in accordance with the precautionary principle and, between others, the obligations of States, individually and collectively, to ensure the exercise of the right for the development and to ensure that development needs and environment are met in a sustainable, fair and equitable (Article 3).*

*Article 9 requires Parties to maintain and promote diversity in marine species located only in areas under the jurisdiction of a State Party, including through the implementation of conservation policies and sustainable use. Particular attention will be given to species with social, economic and ecological.*

### **Convention on cooperation in the protection and enhancement of the marine environment and coastal areas in West and Central Africa (Abidjan Convention, 1981).**

*The Convention aims to prevent, reduce, combat and control pollution in areas marine and coastal, especially pollution from ships and aircraft including that related to the exploration and exploitation of the seabed and sub - soil (discards waste, post catches, destruction of marine habitats etc.).*

*It covers (22) Member States whose seven member states of the SRFC and entered into force in 1984.*

*The cooperation agreement signed in 2012 between the Secretariat of the Abidjan Convention and the SRFC essentially intended to support the member states of the SRFC in the following areas:*

*-Delineation of the outer limits of the continental shelf in accordance with Article 76 of the*

*UNCLOS;*

*-To fight against IUU;*

*-A coherence of fisheries policies;*

*-Establishment of a functional network of marine protected areas friendly to the fisheries ecosystem approach;*

*-Capacity building, Awareness campaigns and information exchange.*

### **The Ministerial Conference on Fisheries Cooperation among African States bordering the Atlantic Ocean (ATLAFCO 1991).**

*Adopted in 1991 and entered into in force in 1995, ATLAFCO is a regional fisheries organization which covers the space of (23) African States Bordering the Atlantic Ocean (from Morocco to Namibia), including (7) members of the SRFC States.*

*In its preamble, it refers to UNCLOS and the need for policy coordination concerning fishing between Member States, given the particular nature of the marine environment of the need for rational management of stocks and consequently sustainable fisheries development. This need for coordination is indicated for:*

- Marketing fishery products;*
- Planning and financing of fisheries sector;*
- Development of marine scientific research;*
- Protection and preserving the marine environment;*
- To align policies, cooperation agreements on fisheries and database and maritime information.*

*Article 16 encourages coastal states to show solidarity with African states without coastline and the States of the region geographically disadvantaged.*

### **The European Regulation 1005/2008.**

*The European Union is a key partner of the Member States of the SRFC to which it is linked by individual fisheries agreements. So we can say that European countries and countries in the SRFC area have an interest to converge to combat IUU fishing which depletes fish stocks, destroys marine habitats and weakens coastal communities, especially in developing countries.*

*Adopted in 2008 and entering into force in 2010, Regulation (EC) N°1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing.*

*The EU Regulation on IUU fishing was inspired by FAO instruments in this field and applies to all vessels engaged in the commercial exploitation of fishery resources. It aims to prevent, deter and eliminate trade in IUU fish products in the EU and all EU EEZ and prohibited the participation of national's community IUU fishing activities.*

*The Regulation introduces a catch certification system to improve the traceability of all fish products sold or purchased by the EU and facilitate the monitoring of their compliance with the rules of conservation and management, in cooperation with third countries. Now only their fishing products validated as legal by the flag state or the exporting country concerned can be imported into the EU or exported from the EU.*

*In addition to the catch certification system, the Regulation also includes provisions on control by the port State, mutual assistance and the establishment of an early warning system community, a Community list of IUU fishing vessels and a list of third countries not cooperative. The Regulation also includes a harmonized system of sanctions proportionate to the economic value of their catches and deterrent for serious offenses.*

*Pursuant to this text, the Commission Regulation (EU) No 468/2010 of 28 May 2010 made public the list Community IUU fishing vessels in which do not appear any vessel of a Member State SRFC.*

### **Fisheries Code and regulations.**

*The right of marine fisheries in Guinea has undergone an overhaul in 1983. This led in 1987 to the adoption of a complex set of legislative and regulatory texts. Law N°L 87/27 of 18 August 1987 on the Code of marine fisheries, legal document of reference, including the decrees reflected, with some exemplary in the sub region, at the time, the first development concerns and the United Nations Convention on the law of the sea of developing coastal countries.*

Since then, the legislative and regulatory framework that governs the use of living resources in the exclusive economic zone of Guinea has not been adapted, except the decree on the application of the Code of Maritime Fishing on fishing areas, which was amended in 1991 to be compatible with new features of the 1991 Decree on the baselines. Law N°L 87/27 of 18 August 1987 on the code of sea fishing, which has been a model in the sub region, is now outdated by the changes occurring in the marine fisheries sector during these last years. Globally, the threat to the ecological balance and overfishing has led to the commitment of States to improve natural resource management policies. In the sub-region, Member States of the Commission Sub Regional Fisheries Commission (SRFC) committed by agreements to harmonize certain practices and governed for fishery resources management to better undertake inventory management joint of fishery activities in Guinea a member of the Commission has not spent the practices and rules in his right despite the overexploitation of its stocks of demersal and overexploitation of threats to other stocks. One of the Fisheries Law Revision work monitoring committee was formed in 1995. It held its first meeting on 1<sup>st</sup> of February 1994 and charged of fisheries sector specialists and lawyers to prepare a fisheries bill and a draft decree on the single general regulation implementing the law on sea fishing.

A draft text was prepared in 1997, intending to fill the gaps and shortcomings that characterize Law N° 87-27 of 18 August 1987 on the code of maritime fishing. The process of management and development of marine fisheries requires some flexibility on the part of policymakers to the extent that the biological, socio-economic, political and technological govern fishing activities often evolve quickly. It is therefore necessary to provide a legislative framework permanent the administrative authorities to move quickly to deal effectively with the constant changes that occur in the marine fisheries sector. To build a coherent strategy for the management of fish stocks, it has become essential to introduce in the Guinean's law in legislative form the modern concepts that can generate 'mechanisms whose importance has been refined in the process decisions of resource management. These include management plans for fisheries, consultation bodies between the administration and the professional fishermen and interstate cooperation in fisheries.

The commitments made by Guinea in the context of the Sub Regional Fisheries Commission were also reflected in the bill.

Nationally, the fisheries administration is governed by certain legal instrument from which I quote:

- The Law L/N°2015/026 /NA regarding of the Maritime Fisheries Code 15 of September 2015;
- The Law L/N°2015/027 /NA regarding of code of Continental Fishery 15 September 2015;
- The Law L/N°2015/028 /NA regarding of Aquaculture Code 15 of September 2015;
- The law L92/0354/CTRN/GGS regarding of Creation of wildlife sanctuary in the islands of Loos September 30<sup>th</sup> 1992;
- Decree D 042/ PRG /GGS on the powers and organization of the Ministry of Fishery and Aquaculture of February 25<sup>th</sup> 2011;
- Decree D 037/PRG /SGG on the establishment of the wilderness area of the islands of Tristao and Alcatraz of February 20<sup>th</sup> 2013;
- Ordinance No. 475 / MPA / CAB establishing and functioning of the industrial fishing vessels National Register;
- Decree D 040 / PRG / SGG establishing an inadmissible system for fisheries license application and refusal of grants;
- Decree D 094 /PRG/GGS Regarding the powers and organization of the Ministry of Fisheries and Aquaculture of the March 4<sup>th</sup>2016;
- Ordinance N°5316 /MFA/ GGS adopting the national plan for the conservation and sustainable management of sharks and rays of October 26<sup>th</sup>2006;

- Decree D 006 /PRG/GGS concerning establishment of a regime of fisheries aerial surveillance at January 6<sup>th</sup>2014;

- Decree D007/PRG /GGS laying down the rules for transshipment and landing of catches products of fishing and aquaculture of January 7<sup>th</sup>2014;

-Ordinance N°094 /MFAEM /CAB/ GGS approving the fisheries management plan for 2017.

## **PARAGRAPH II: Institutional Aspects of Fishery Agreements Analysis.**

### **Duties of the Ministry of Fisheries Aquaculture and Maritime Economy:**

The Ministry of Fisheries Aquaculture and Maritime Economy was established by Decree **D/2016/094 / PRG / GGS**. His mission is to design, develop, and implement the government's policy in the areas of fisheries, aquaculture and Maritime Economy. His task is:

-Design fisheries regulations, Aquaculture and Maritime Economy and monitor their implementation;

-Design and implement strategies, programs and development projects in the fields of Fisheries, Aquaculture and Maritime Economy;

-Ensure fisheries management, conservation, exploitation and development of marine resources, brackish and inland waters;

-Ensure the planning and development of fishing ports capacity (industrial and artisanal) and management related to the services concerned;

-Ensure proper application of safety standards and police within the industrial and artisanal fishing ports;

-Amenities, manage and develop an integrated and coherent national network of community marine areas, protected areas and artificial reefs;

-Ensure quality control, hygiene and safety of the catch treatment facility and fishing from products and production areas of fishing and aquaculture;

-Develop and implement research programs in the areas of fishing, aquaculture, maritime economy, and oceanography and connexes activities;

-Participate of assessment and monitoring of prospecting and exploitation of marine and inland fishery resources;

-Manage the public domain granted to marine fisheries and aquaculture;

-Participate the awarding status to industrial and artisanal fishing vessels;

- Participate the registration and the measurement of fishing vessels in cooperation with the relevant services;
- Collaborating to exercise the prerogatives of port state port and the state flag of fishing vessels;
- Provide technical control and monitoring of construction and repair of state fishing vessels;
- Deliver implantation shipyards authorizations;
- Check the airworthiness of maritime and continental fishing vessels;
- Take fleet a register of fishing;
- A piloting, towing and assistance to fishing vessels in ports;
- Ensure application of international measures adapted for transport, handling and storage of hazardous materials on board fishing vessels in the ports;
- Participate research activities of sea and river rescue in collaboration with the relevant services;
- Participate to the preservation of marine environment through surveillance and to fight against pollution of fishing vessels;
- Undertake with the ministries concerned, the procedures of ratification and accession of Guinea to the international conventions on ocean governance;
- To promote cooperation with sub regional, regional and international states, institutions and organizations, specialized in the field of fisheries, aquaculture and the marine economy.

**Structure Ministry of Fisheries Aquaculture and Maritime Economy.**

To fulfill these tasks the Ministry of Fisheries Aquaculture and Maritime Economy is structured as follows:

- A Secretary General;
- The Cabinet of Minister;
- The Support Services;
- The National Directions;
- The Public established;
- Public Programs and Projects of fisheries and aquaculture;
- The Devolved Services;
- The Advisory Bodies.

However, the fishing sector is facing major constraints that can be summarized as follows:

- (i) The smallness of the fishing areas facing an importance of activities and the scarcity of resource, which increases the pressure and exacerbating conflicts;
- (ii) An obsolescence state of arms and national fleet;

*(iii) Lack of basic fishing infrastructures and centers (landing sites, Freezer rooms, and transportation of equipment's);*

*(IV) Inadequacy training and organizational weakness of actors in the various sectors; shore units supply problems;*

*(v) The weakness of the added value and productivity;*

*(vi) Lack of competitiveness of some products in the international market; and*

*(vii) Inadequacy of funding systems of artisanal and industrial fisheries.*

### **SECTION B: Fishery Agreements Technical Aspects Analysis.**

**Objective:** *This section aims the following objectives:*

*-Fishery Efforts analysis;*

*-To describe of different methods /measures fishery resources protection and conservation such as:*

*(The measures relating to mesh, the biological rest periods, catch, respect for fishing zones ...etc.);*

*The technical aspects of the protocol are made:*

*- Criteria that are intended to define the fleets or fishing units authorized by third countries under fisheries agreements in financial volumes that are intended to offset rights allocated and the amount of royalties paid for each unit of fishing candidate exploitation of Guinea's resources;*

*-Monitoring practicalities of the Agreements, including a definition of information's exchange relating to ships presences in the area and catch in EEZ;*

*- Technical measures aimed at conserving resources.*

*This chapter is divided into two sections: the first, entitled Analysis of the technical aspects of fisheries agreements and the second analysis of the legal and institutional aspects of fisheries agreements.*

**PARAGRAPH I: Definition of Opportunities and Fishery effort Analysis.**

*In the first generation fisheries agreements, fishing effort was not defined. Owners of the European Economic Community (EEC) could fish using as many ships they want. The second generation of fisheries agreements signed by Guinea with EU was more specific with the destination of landings (in whole landing in Guinea, landing part, not landing and marketing in Guinea), license duration (less than 4 months, 6 months, one year), and the fishing zone (coastal, deepest areas ...).*

*The level of fishing effort in the context of fisheries agreements with EU has dropped over time. This change in the level of fishing effort according to the various protocols of agreements is outlined in Appendix 1. This classification is based on scientific knowledge poses more problems encountered in the Community fisheries agreements with Guinea (see Appendix 1). A more detailed classification of fishing categories is based on how more effective controls and technically adapted to the audit area, conditions of exploitation and land catches marketing conditions. The technical means of fisheries agreements commit the EU and Guinea advantage that the adjustment means of surveillance is an area considerable increase in National Public investments.*

**PARAGRAPH II: Measures of Resources Conservation and Practical Modality of Fishery in Guinea.**

*Different measures of protection and fishery resource conservation appear in almost all agreements protocols signed with the European Union. They aim to strengthen conservation of resources. This is among other fishing licenses, measures and controls meshes permitted to foreign vessels Surveillance, Biological rest (during which it is prohibited to catch certain species in waters under national jurisdiction, measures also define catches and quota eligible for this type of catch relative to insufficiently selective fishing .*

**General measures.**

*Are considered as prohibited acts:*

*-The possession and use (horsehair monofilaments nets, beach seine to a purse seine, explosive and toxic or intoxicating substances).*

*-Fishing shrimp within the zone below the 40 nm counted from the inside of the baseline;*

*-The capture of individuals registered for scientific purposes and or juveniles.*

**Fishing Licenses.**

*Industrial fishing in waters under Guinea jurisdiction depends on the possession of a license. The latter two functions: The function of limiting fishing effort and provision of income to the government. The competent authority determines the number of vessels authorized to fish in our EEZ due to their tonnage, exercised fishing type and period. Licenses are issued under regulations defining formulas for its request.*

**Catch reporting**

*The master or owner of industrial vessels authorized to carry out fishing activities in the EEZ of Guinea should do the following:*

*-Keep permanently on board an updated logbook with data of catch by species;*

*-Make input and output statements fishing areas duly updated;*

*-Communicate by email this newspaper extract pending the submission of the original copy to the National Maritime fishing Office at the end of the tide by the master or the owner of the vessel.*

*-Also, observe the species catch reports indicated a weight percentage of the catch.*

**Measures relating to the mesh.**

*The measures relating to the size of the mesh appear systematically in all fisheries protocols agreements signed with the European Union. The industrial fishing nets mesh is determined by measuring the opening of the mesh. The opening of the mesh is less than the distance between two opposite nodes in a same completely stretched mesh. The mesh has the main purpose to select the sizes of fish that can be caught, to allow juveniles to reach the age of reproduction, as well as replenish endangered stocks. The minimum mesh sizes for authorized vehicles are fixed by the Maritime fishing Code as follows (mesh). However the effectiveness of the mesh size as inventory preservation method poses environmental problems for the species selectivity. The introduction of specialization for a minimum mesh size facilitates the application of the rules on mesh sizes and catch composition. Indeed it provides a means of verification that only the mesh of the specified size is used.*

*According to the law or agreement ratified by Guinea on the determination of minimum conditions for access to fisheries resources within our EEZ, the following meshes for the exercise of industrial fishing are permitted:*

- 70 mm demersal fish c (stretched mesh);
- 70 mm demersal fish and cephalopod (stretched mesh);
- 40 mm shrimp and demersal fish (stretched mesh);

### **Biological rest or seasonal closure of industrial fishing.**

*For the sustainable exploitation of fisheries resources in the EEZ of Guinea, biological recovery was reserved for artisanal fishing (artisanal and industrial) was introduced from (3) years ago in all in fisheries agreements protocols as a measure of fisheries conservation. This rest is to close for a predetermined period to all fishing demersal trawlers in the same category within the zone below 60 nautical counted from the baseline. The duration this is (2) months, from July 1<sup>st</sup> to August 31<sup>st</sup> of each year.*

*These measures which introduce breaks in the activity of European fleets generally occurs, for national and European fleets, operating issues, including organization of onshore activities, dependent of some activities units or flow productions. These measures aim to protect the fisheries resources of Guinea that enact them, but they can also affect the fishing effort made in neighboring countries because European fleets since then are tempted to move their activities to other EEZ.*

### **Accessories Catches.**

*As the notion of biological rest, the maximum rate of allowable catch has been introduced in the agreements and fishing plans, they play an important role in the conservation of existing fish stocks in Guinean EEZ. It is applicable to all trawlers authorized to fish in the maritime waters of our EEZ. All these resource conservation measures imposed by the Maritime Fishing Code to European vessels, Chinese, Korean, etc. Guinea allowed to fish.*

*The percentages allowed of catches are:*

*-Demersal and cephalopod vessels*

*5% Crustaceans*

*1% pelagic*

*-Shrimpers vessels*

*9% demersal and cephalopods*

*0.5% pelagic*

- Pelagic vessels

1% demersal

0.5% Shell Fish.

### **Fishing Area or Zone.**

Prescribed by the observance of the provisions by a Decree N°D / 2014/262 / PRG / SGG of 31/12/2014. The fishing areas are defined for the Code of Maritime Fisheries and adopted in the protocols agreements. They are measured from a reference line joining allowed fishing areas, they are determined according to the types of vessels and fishing licenses obtained in reference to the protocol. It helps to avoid conflicts between foreign vessels and those of artisanal vessels as they help to preserve the interests of national fleets, according to their area of action, and also contribute to the protection of breeding areas.

### **Modality practice of fishing in Guinea's EEZ.**

Various terms that are defined in the framework of fisheries agreements, aim to force the arms of the European Union and other foreign and domestic or national fishing companies to adapt their behavior in these zones. The protocols agreements signed by the EU and Guinea have terms from different sources. These terms have the following objectives:

- Monitoring of fishing activities and their impacts on resources (catch reporting, entry statement in the EEZ or boarding observers);

- Aim to contribute, to the development activities or incomes in the national territory (landing sailors boarding). Details of these methods of fishing in our EEZ are summarized.

### **Boarding of marines Observers.**

Most southern agreements include an obligation clause sailors boarding from third countries. The number of these sailors is defined in three ways:

-A sailor's vessel quota: it is the most common case for trawler fishing with differences of quotas based on GT.

-A sailor's quota fleet is the most common practice among tuna fleets.

-A mandatory percentage of national sailors.

The seamen on board - observers in foreign vessels are a requirement in fishing agreements with the European Community and other operators.

Since 1985, it is planned to carry observers on board fishing vessels operating under the fisheries agreements. Indeed take observers on board depends on the size of vessels. Ships of more than 500 GT board one (1) observer, while those with a lower GT board a seaman observer. The size of the vessels that carry observers is reduced to 300TJB. Each trawler and longline of more than 150 GT receives one (1) observer. Trawlers and longline a gross tonnage of less than or equal to 150 tons on board a seaman who assumes marine load observer.

### **Mandatory catch landings.**

*In the framework of fisheries agreements compulsory landings of a certain amount of poisson by category for local processing done from clauses. Foreign vessels are fishing in the maritime space in accordance with Guinean fisheries agreements signed with the European Union. The tonnages from their fishing activities are primarily passed outside the national territory (European market and particularly to that of Spain, France, Italy and Portugal). Catches by Community vessels are intended. Landings in some third countries are virtually nil, even if certain obligations are recorded in memoranda of understanding. Thus mandatory demersal landings to constitute an important part in the memoranda of understanding signed with the EU.*

*The obligation to land contributes to the supply of domestic and national markets processing plants Available figures currently interim order on landings in Guinea during the period of the agreements are demersal species: about 110 tons in 1997, 240 tons in 1998.380 tons in 1999, 504 tons in 2000 and 504 tons in 2001 (source Ministry of Fishery and Aquaculture). The obligation to land on the national territory should therefore be a measure taken in the study and who eventually would better meet the expectations of the country by requiring a complete reorientation of the mode of operation of vessels under agreements. The requirement must be met or offset by payments under penalties.*

*Landings must be made according to the following proportions:*

*- Demersal and cephalopods Vessels 200 tons / quarter / vessel;*

*Category 1: 50 tons;*

*Category 2: 150 tons;*

*- Pelagic vessels 100% of catches;*

*-Shrimpers vessels 10 Tons / quarter / vessel;*

*- Accessories catch 100%.*

**Note:** *If the validity period of the license is less than (3) months, the amount to land will be proportional to the period.*

*Guineans vessels have the obligation to land all their catch; a part of this is not harmful. All landing operations are performed dockside port of Kamsar and Conakry under the supervision of Fisheries Police Monitoring National Center, the Maritime Fishing National Office and the National Office of Sanitary Control of fishery and aquaculture products (NOSCFAP). The ships are obliged to respect commercial sizes of key species (Appendix table 4 fishing plan).*

## **PART II:**

### **ANALYSIS OF THE IMPACTS OF PARTENARSHIP ARRANGEMENTS AND LEGAL REFORMS OF FISHERY AGREEMENTS.**

#### **CHAPTER I: Analysis of fishery agreements partnership impacts.**

**Objective:** This chapter has two (2) objectives:

- Analyze different governance, environmental, technological and social impacts;
- Consider how these fisheries agreements are a sustainable development strategy that led to the implementation of several programs and project developments through the funding support of technical and financial partners from the fishing agreements with the EU.

After several years of sanctions imposed on Guinea by the European Union because of the practice of IUU fishing, many negotiations were carried out between third countries listed as not cooperating on IUU fishing.

It is imperative for Guinea to implement undertake and respect all its commitments in order to be able to sign new fisheries agreements. This partnership has impacted on many levels and aspects; every aspect is designed to address the major challenges for Guinea which I quote:

#### **A-Governance Level:**

The implementation of significant governance changes in fisheries policies through the creation of the Maritime Prefecture, establishment of the Ministry of Fisheries and Aquaculture a Ministry of Fisheries Aquaculture and Maritime Economy in 2016, the general states of fisheries sector has be held in 2015, an implementation of biometric licenses for a moralization of revenue from their sales, avoid overexploitation of fisheries resources. Ending significant irregularities resulting taken excessive accessories, under payment of license fees by Asian fisheries companies and other foreigners.

Fisheries agreements are intended to enable Guinea to acquire the legal means to protect and ensure the development of the fisheries resources adjacent in it national water.

Combat IUU fishing (bunkering in the country of origin and transshipment of goods on a cargo ship of the same pavilion at the same time also developed a fishing purse seine fleets from China Korea. This duty free access beyond three nautical miles has been "an open door" to large fishing vessels that roamed the oceans far from their home port, able to stay at sea several months.

Maritime superpowers have vied to maintain a presence across the Guinean coastline and therefore, they have increased their claims on the entire administration of my country .Fishing pressure is increasing beyond three nautical miles and is therefore, they can exert strong political pressure on the national administration a threat to biodiversity. This was exacerbated by the international trade in harmful waste from some transport ships, hydrocarbons, while the risk of oil pollution threatens beaches and all forms of marine life.

Guinea has a number of obligations, including the need to streamline its fishing industry and to take measures to prevent overfishing and facilitate marine scientific research in their exclusive economic zone for the protection of stocks, determine the allowable catch for each species in its exclusive economic zone and to determine their own operating capacity.

*This vision and the principles defined by the Policy Framework and a Reform of Strategy (PFRS) largely inspired the formulation of the Fisheries and Aquaculture Strategy of Political Framework of Guinea. These meetings have led to the establishment of the Fishery Aquaculture Strategy Political Framework for the next five years. A further framework document entitled « Fisheries and aquaculture in a context of national planning marked by the implementation of the Poverty Reduction Strategy Paper» (PRSP) structures the Government's economic and social policy and determines roles assigned for all sectors.*

*Fishing and aquaculture are considered in the PRSP as a growth area, part of the main pillars of the national economy within the framework of the fight against poverty. The orientations of PFRS reflect this role assigned to the sector in the PRSP but also the priority given to fishing by the national authorities. The development context of this framework document undermined by increasingly strong constraints on the trade in fish products on the European market, which is a popular and lucrative market for Guinea prices. Nevertheless there are requirements concerning sanitary standards as well as to provide traceability, alongside procedures for setting catches intended to combat IUU fishing. In the context of regional and sub-regional integration Guinea has with the support of the African Union established a number of instruments to support the management of fisheries and aquaculture which demonstrate a political will to engage in fishery reforms and develop a sustainable aquaculture industry. The development of the Framework Policy and Fisheries Reform Strategy and aquaculture by the NEPAD (New Partnerships for African's Development) Agency forms part of this framework. The objective is to facilitate the development of coherent policies for sustainable management of fisheries and aquaculture resources.*

- Implemented a long –terms policy, with a preliminary appraisal;*
- Conduct a perspective study on fisheries management and processing;*
- Institute a customs system simplification policy,*
- Envisaged the decentralization of the sector to be reliable or efficient.*

*Guinea is one of very first West African countries to have implemented a legal regime for fisheries management, but the previous policy supporting export-oriented small-scale fishing had discernible negative impact on the local social and economic structure.*

**NB:** *The challenges of integrating the fisheries policies sector in the national governance system would mean that the sector objectives for the sustainable development of fisheries resources and for industrial development would be fully taken in consideration. This would help bring down the existing barriers between environmental and development policies. A better integration would also promote the redefinition of certain institutional objectives and reduce unnecessary competition among certain administrative departments.*

*Over and above the integration of the fisheries policy in the national economy, the important issue is to bring the policies of other sectors 'in line with those of the fisheries sector (notably Tourism, Maritime transport, urban development etc.), within the national governance framework.*

*Currently, in the majority of cases, public policies are implemented sector-wide, which inevitably leads to lack of coherence in a fisheries sector involving national resources that requires an alignment with related governance policies.*

*All interdependent activities related to this sector must be taken into consideration and the decision – makers must take the entire gamut of interaction and potential conflicts that incorporates all sectors into consideration while establishing priorities and standardizing policies for coordinate governance.*

*The challenge of extensive sub-regional and regional coordination among national policy makers especially with regard to external relations such as the regional fisheries agreements negotiations and management generally requires a flexible approach that should not be confined within narrow institutional or sectoral rigidities. In this sector more than others, the prevailing situation should facilitate coalition -building. If our sub-regional organizations such as ECOWAS or SRFC help to*

*promote the emergence, expression and implementation of awareness and political will in the fisheries sector, they will be able to establish a precedent for dialogue and problem solving through an approach based on concentric policy circle.*

*Regarding the Small Pelagic and Tuna fisheries, the SRFC states while the former seem to justify management and conservation measures within the framework of this sub-regional organization, the latter seem to call for much broader action at the sub-regional level. This is not only because of the migratory dynamics and the economics of scale required for protecting tuna; but also in view of the role played by some countries like Ghana, Nigeria, Cote d'Ivoire with regard to their catch, and the fact that the lack of unity during negotiations on fisheries agreements or the grant of fishing permits could actually threaten supplies.*

*In spite of all the efforts concerning small pelagic and tuna the governance of the fisheries sector needs to be reassessed, since the high degree of mobility among fishermen in pursuit of their activities mean that fishing often occurs outside the local management framework. This reality must be addressed not just at the local level but also at the regional, sub-regional levels.*

*The lack of adequate regional coordination in the management of marine protected areas has also had significant adverse consequence.*

### **B- Technological Level:**

*This allows the government to develop and acquire new technologies for the development of the fisheries sector.*

*-Given the priorities and diversification of small-scale fishing it is necessary to assign loans and construct modern landing points including processing centers, and facilities for the storage and transportation of fish that meet the standards required by the EU;*

*-Take several measures for the development of the small -scale fishing sector;*

*-The Government should support the acquisition of a national fleet for industrial fishing vessels equipped with multiple levels of technological systems, construction of cold storage and cold rooms promoting landing catch of a third part. The construction and equipping of a laboratory with international standard for quality and sanitary control of fishery products;*

### **C-Social Level:**

*The fisheries sector is a migration hub for fishermen from our neighbor countries, the policy of promoting export-oriented small-scale fishing has therefore affected the local social fabric.*

*There is a need to develop training programmes for all the actors involved in the fisheries sector (fishermen, wholesalers, fish merchants for better management of saving and the fisheries staff of local administration).*

### **D- Economic Level:**

*-Development of aquaculture sub-sector to improve domestic consumption and industry;*

*-Improve promotion of fishery products;*

*-Develop industrial fishing facilities and land routes for access to port zones;*

*-Extend financial and technical aid for improving the post catch sector's sanitary standard;*

*-Promote a partnership for the sustainable development of aquaculture.*

## **SECTION A: Placing Fishery Agreements in a Development Strategy.**

**Objective:** *The objective of this section is to analyze of the consistency of these fisheries agreements with the development policy to develop a strategic partnership.*

*Considering the current fishery situation development trends both internal and external and policies implemented within the framework of cooperation with the EU different types of problems to be solved by signing of fishing agreements are:*

*(i) - the low capacity to harmonize national, sub regional and international industry regulations,*

*(ii) - problems related to the sustainable exploitation of fishery resources by both domestic and foreign fishers.*

*(iii) - the dependence of foreign ships sector;*

*(vi) - the operating problems and recovery of certain stocks (fish, crustaceans and bivalve products) regularly counted in catches including thirty offers opportunities for lettings;*

*(vii) -Improve the weakness of organizational frameworks and decision-making capacity;*

*(viii) – Address the lack of national arrangements for appropriate financing;*

*(ix) - guide our population to consume more fish products to improve their food security and intakes of animal protein sources;*

*(x) - the revision of the investment code to attract foreign investors.*

*However, the Community shall pay financial compensation takes the form of a contribution to the state budget, but also a development support (fight against poverty, research, training, development of port facilities, aid artisanal fisheries, and fisheries surveillance activities ...) which we will draw up a diagnostic review (Part 1), before studying prospects (Part 2) that open to cooperation between Guinea and the European Union after integration of these agreements to a regional scope of the Economic Partnership Agreement (EPA) in a context of scarcity of fisheries resources and sustainable development.*

**PARAGRAPH I: A Coherent integration of Fisheries Agreements with national development policies.**

*Fishing activity in Guinea is of paramount importance as a critical source of economic, social, environmental and cultural value for Guinea's growing population of 15.00.000 people. Yet today, Guinea is facing the threat of depleted wild fish stocks as the country attempted to service a growing global demand for exports while at the same time trying to develop an economically viable domestic fisheries sector.*

*There is a need to balance international, regional and national priorities between the long term sustainable development of natural fisheries resources and immediate economic gain from global market access agreements or joint ventures on other policy areas like on coastal management, food security and local livelihoods.*

*These competing policy interests can result in the mismanagement, degradation and over-use of fisheries, which can be exacerbated by ongoing illegal fishing.*

*OECD has been examining the issue of policy coherence for the development of fisheries for several years. In 2006, the OECD fisheries policies Division, in partnership with the Sahel and West Africa Club and a regional Non-Governmental Organization ENDA Diapol/REPAO, commissioned a study which takes a developing country perspective on the issue of policy coherence in fisheries. The aim of the study was to elaborate for development an analytical framework pertinent to the fishery situation within a regional African context. The usefulness of this framework is illustrated through an analysis of seven West African countries including Guinea that make –up the sub-regional fisheries commission (SRFC). Key areas for action by international, regional and local partners are suggested in report, including the need for a multi stakeholder dialogue on policy coherence as priority-setting exercises.*

*The search for coherence in fisheries policy for Guinea is a significant issue, given the problem raised in managing diminishing fish resources that often result in huge tensions between stakeholders at the national sub-regional or regional levels, over access to either the resources or markets.*

*The Guinean government with the support of technical partners must conduct a joint analysis on policy coherence in fisheries development policies in the West Africa sub-region. The structure of the analysis was therefore based on an analytic framework developed for the OECD committee on fisheries and the issue of this policy coherence.*

*The challenge is coherence is to develop an initial comparative analysis based on specific field data to provide a clearer understanding of the stakes related to issues of fisheries policy coherence and to contribute to the development of a more detailed and cross-sectoral analytical framework for decision-makers and producers working in the fisheries sector .*

*The main problem facing for the local Guinean fishing sector are that there are few alternative employment opportunities and considerable overfishing, especially of local species of high commercial value, which demonstrates the complexity of the developing a coherent policy issue for the sector for developing countries. For example IUU fishing cost Guinea more than 30.000.000 USD annually in lost revenues while expanding fisheries trade, access agreements and private joint ventures can indirect conflicts with efforts to promote sustainable management.*

*In the fisheries sector in Guinea, the prevailing situation should incite regional coalition building. For our context, institutions like ECOWAS, SRFC can be leaders in promote policy coherence.*

*These institutions and decision-makers will need to demonstrate clear political vision with regard to the fisheries sector in the coming years. They must nonetheless maintain a level of autonomy by using approach based on concentric policy circles. They will need to rely on multi stakeholder dialogue to better define policy priorities while using an ecosystem based approach to inform their actions.*

*Public authorities must first have a clear understanding of our national fisheries policies in terms of priorities, strategies objectives and planning while at the same time incorporating sub-regional considerations. The role of the private sector in adhering to the regulatory environment and in building local capacity is equally of paramount importance.*

*Guinea will also need to better define her national, sub regional and regional priorities in the light of the key strategic issues for fisheries policy coherence. With the aim of implementing fishery resources and food security in Guinea, the issues of coherence must be approached from different angles:*

*\*The coherence of sectoral fisheries policies;*

*\*The coherence of fisheries policies with other sectoral policies, including trade, economic development and environment;*

*\*The coherence of national policies in the fisheries sector, especially policies on safety at sea, human resources. This mainly implies ensuring that coherence of goals pursued and actions implemented in the sector;*

*\*The coherence with international fisheries policies and conventions. In order to ensure the sectoral fisheries policies are complying with the goals of the different concerned with fisheries these must be clearly identified and non-contradictory in their implementation.*

*For example it is difficult to achieve the goal of reducing fishing effort while continuing to subsidize the modernization of production to increase in productivity which has a considerable impact on the fishing effort and therefore on the depletion of fish stocks.*

*In many cases the government views fishing agreements in terms of the level of financial compensation received. But at the same time, it is generally acknowledged that better fisheries management could yield even greater financial benefits than those provided by these agreements.*

*Likewise, in order to promote coherent (efficient and integrated) fisheries policies, it is important to work towards the sectoral coherence of fisheries policies as well as that of other sectoral policies implemented in the field of trade, health, environment and economic development as these sectoral policies are complementary and mutually influential.*

*For Guinea, this question for coherence is a priority issue in a context in which resources are becoming increasingly scarce or inaccessible, creating tensions between actors at the national and regional levels in terms of either access to resources or to market. For this reason coordination and dialogue in the implementation of national, sub-regional and regional policies is essential.*

*In this way, sub-regional and or regional fisheries organizations such as the SRFC have a key role to play in coordinating and monitoring coherence, especially in the framework of negotiations regarding fisheries agreements. Their aim is not to negotiate in the place of Guinea, but to ensure compliance with certain principles by defining minimum conditions for access to fisheries resources.*

*Although the loss of resources from Guinean fisheries is probably not as acute as that experienced by neighboring countries, it is nevertheless considerable, in terms of both volume and value. Indeed, even with extensive domestic fisheries resources, Guinea's exports amount to about a third of that of Senegal. Through fisheries agreements, the sale licenses, fines and property rental, etc., fisheries have often been the second largest revenue item for the state, after the mining sector.*

*The fisheries policy coherence must be implemented at four (4) levels:*

*1-Identify within a given sectoral where the policy objectives enter into conflict. It is aimed at dealing with the problem of the over-exploitation of fish stocks while another policy aims at developing subsidies to increase fleet capacity, or more broadly speaking effort. For some actors, this*

*incoherence is mainly due to the fact that certain groups take advantage of a weak system of fisheries management and influence the decision-making process. For others, incoherence stems from the institutional compromises between two (2) differing groups of actors, such as small-scale and industrial fishers. This kind of internal incoherence has resulted in serious management problems (overcapacity), thus exerting considerable pressure on fishery resources and causing growing demand for more aid subsidies.*

**2-***The incoherence related to a policy in a particular sector that is obstructed or neutralized by a political intervention in another sector of activity. Most of the decision –makers neglected the fisheries sector in favor of others sector from the view of investment because planning and thus expectations are often ambiguous and contradictory. Furthermore, the sector has few spokespeople at the governmental level, making it difficult to protect its interests, especially those of the small-scale fisheries sub-sector.*

**3-***Indeed, although fisheries production and its products are considered industrial products by the World Trade Organization (WTO), in this last decade, Guinea has been sanctioned by EU against fisheries products exportation.*

**4-***Also from the point of view international conventions or agreements, these take the form of guidelines, recommendations or objectives that are often drawn up based on the characteristics of fisheries in Guinea.*

*The terms of these conventions are misunderstood and are not always adapted to the fisheries sector in Guinea. It is thus very difficult to comply with these terms as our country often lacks an effective management framework for fisheries and aquaculture.*

## **PARAGRAPH II: Designing a partnership strategy.**

*As the fisheries agreements are based on the financial compensation that Guinea receives from the European Union, this financial contribution is in two parts. On one hand, the contribution will be in terms of access to resources and will largely be borne by the private sector in the form of royalties. On the other, the financial contribution will be allocated to the development of sustainable fisheries including funds for the adjustment of the fleet, measures of common interest and technical assistance.*

*The EU contribution will be calculated taking into account the fishing opportunities available to EU vessels, identification of actions for sustainable development of fisheries and finally, the impact of the Partnership Agreement as well as the participation of European interests on throughout fisheries sector of Guinea. For each part the partnership strategy the following activities will be undertaken to clearly defined objectives:*

### **Access to fisheries resources**

*The regulation of access to resources requires matching effort and fishing capacity with the natural potential of fishery resources. The fisheries management plans are part of this regulation and quantifiable and manageable objectives are set for each fishery (large pelagic fish, small pelagic fish, shrimp fishery, cephalopod fisheries, coastal and deep demersal fisheries) in terms of effort and fishing capacity. The fisheries management plans will be developed according to the ecosystem approach and take into account the impacts of climate change on marine ecosystems.*

*As part of the development and implementation of these management plans, the allocation of fishing rights will favor artisanal fisheries on order to meet national policy choices that are consistent with the principles and guidelines of Policy framework and Strategy for Reform of the fisheries and aquaculture of the African Union. These policy choices are motivated by the importance of mitigating the economic and social effects caused by industrial fishing.*

*The objectives of the development plans will be defined on the basis of stocks scientific, economic, financial and technical data and analysis on the fleets and industries to determine appropriate management for each fishery. This way will also be to study and implement the fishing capacity management measures to limit fishing effort, including in fisheries for which a management plan has not yet been developed. In artisanal fisheries, the focus will be on the actual marking of the boats to effectively monitor fishing effort. The axis also aims to improve the fight against illegal, unreported and regulated fishing, and to regulate access to inland fisheries.*

*The weaknesses in the regulation of access to fisheries resources is more pronounced at the artisanal level where an open access regime current facilitates the uncontrolled increases in fishing effort, the use of unregulated gear and fishing techniques, and non-compliance with fisheries regulations. The lack of control over and regulation of artisanal fishing generates perverse effects, whereby increasing number of foreign -controlled companies are exporting significant numbers of Guinean fisheries products in which regulations are neither observed or enforced. This deficiency leads to a significant loss of national income from fisheries resources.*

*Industrial fishing access rights are based mainly on the fishing licensing system. This system is imperfect, however, because fishing licenses do not limit catches and it should be noted that there are considerable problems of fraudulent activity, notably the falsification of licenses by corrupt executives within the fisheries administration or the simultaneous granting of a license to several companies without repercussion.*

- **The sustainable development of fishing**

*Sustainable development is to be facilitated through the promotion of co-management of fisheries resources.*

*The objective is to promote the sustainable management of fisheries resources through the involvement and empowerment of local communities in the development and implementation of management measures. The implementation of this axis will build on the results of the Project "Support to the Sub-Regional Fisheries Commission (SRFC) for the development of co-management initiatives and the integration of Marine Protected Areas in the development Fisheries in West Africa»*

*from which Guinea has benefited. It will expand and capitalize on the achievements of this project. This axis also aims to institutionalize and to provide support and consultation mechanisms for co-management at the national level, including the establishment of an advisory council.*

*Ecosystem restoration and the rational exploitation of stocks facilitates to strengthening of the regulatory system of access to fishery resources and the control and monitoring of fisheries to avoid the decline in abundance of fish resources and the exploitation of demersal stocks. It should also set up the machinery to prevent against the disruption of habitats by the combined effect of industrial pollution from mining, repeated incursions by industrial vessels into the zone reserved for artisanal fishing and mangrove destruction (which is the main Nursery of Guinean coast).*

**1-Adjustment of the fleet:**

- *Temporary cessation of vessel activity*
- *Upgrades for safety, working conditions, hygiene, energy efficiency and/or gear selectivity*
- *Small-scale coastal fishing*
- *Early retirement and retraining*
- *Replacement of engines.*

**2-Measures of common interest**

- *Protection and development of aquatic fauna and flora, and artificial reefs*
- *Protection and enhancement of environment*
- *Fishing ports, shelters and landing sites*
- *Development of new markets*
- *Marketing and promotion campaigns*
- *Pilot projects including tests of new technologies and management measures.*

**3-Sustainable development of fisheries areas:**

- *Aid for coastal communities with high employment in fisheries*
- *Fish processing*
- *Tourism*
- *Interregional and transnational cooperation*

**4-Technical assistance:**

- *Studies, reports and information activities*
- *Implementation of operational programmes.*

**SECTION B:** *Implementation of Programs and Projects to support the Fishery Sector Development.*

**Objective:** *The objective of this section to outline the various programs and projects that have been implemented within the fisheries sector during the Second Republic up to the current administration regarding fisheries research, construction and renovation of infrastructures and the aquaculture development.*

**PARAGRAPH I: Program and projects for fish resources scientific assessment.**

In the fishery scientific resources evaluation component in Guinea, the fisheries administration is supported scientifically by two (2) research structures:

- **The ORCR** (Oceanographic Research Center of Rogbanè) that performs basic research under the auspice of the Ministry of Higher Education and Scientific Research;

- **The FNRCB** (Fisheries National Research Center of Boussoura) that deals with applied research under the supervision of the Ministry of Fisheries and Aquaculture.

*The FNRCB is to participate in several regional and sub-regional programs and projects for fisheries research. Guinea's participation in these programs should be strengthened in order to take advantage of and enable greater ownership of results acquired from this cooperation.*

*To promote fisheries research for the sustainable development of marine natural resources of Guinea, the ACP countries and EU measured the present and future challenges for fisheries research within a framework of sustainable development of marine natural resources in West Africa, including Guinea. The assigned objectives were among others:*

**1-** *To strengthen the dialogue between fisheries research and the actors involved in the sustainable development of marine renewable resources in West Africa through the efforts of the Sub-Regional Fisheries Commission which aims to strengthen collaboration between research institutions and the redefinition of the role of fisheries research in civil society.*

**2-** *Investigate the challenges facing fisheries research from contextual changes and a greater public demand for the sustainable development of natural resources.*

*This second objective continues the intentions of the Sub Regional Fisheries Commission under which it is stated that "EU cooperation programs in economics and development should support the efforts of developing countries to protect their own environment and the common global environment".*

*Given these issues, three (3) major themes underpin the Guinean fisheries research today:*

**a).** *Fisheries management in terms of responsible fishing and the precautionary principle in a context of increased international trade in seafood products, management of fisheries from foreign markets, "leakage" of fish to the markets of developed countries (through fisheries agreements or organization of export sectors);*

**b).** *Public decisions on development policy in the international promotion of the sustainable development of natural resources (a point is the subject of further consideration: the receptacle offered currently looking public policy fish);*

**c).** *Joint construction of knowledge from the consolidation of specific elements to research knowledge, maritime professionals, environmental protection organizations and public institutions in order to go further in the understanding of natural dynamics and human that affect the functioning of marine ecosystems.*

*One of the ongoing actions that deserve reinforcement is the Committee of operators which is a privileged framework between the fisheries administration, fisheries researchers, NGOs, development partners and fishers. This is to allow better identification of research needs and better use of research results.*

Currently, the FNRCB launched a campaign assessing demersal species richness", for the determination of abundance indices by species and species groups, the estimated biomass by species and species groups, determining the operable potential of each group of species, the analysis of the population structure of the main species and the spatio-temporal distribution of the main species targeted by the artisanal and industrial fisheries.

Previously, projects were implemented in the field of scientific research but not entirely related to the assessment of fishery resources I quote:

**Project Title 1:** Acquisition of a fisheries research vessel.

**Overall objective:** Was to allow Guinea to fulfil the biological and economic studies and a direct assessment of her fishery resources.

**Implementation Year:** 2003.

**Funding:** JICA.

**Currency Cost:** ¥ 811.000.000.

**Project Title 2:** Construction of applied fisheries research laboratory.

**Overall objective:** Was to Provide Guinea the fisheries management device through a construction and equipping of an applied research laboratory for studies and also staff skills building.

**Implementation Year:** 1992.

**Funding:** Government of Guinea from a financial compensation fishing agreements fund with the EU.

**Currency Cost:** 1,664,000 US \$.

**Project Title 3:** Protection and control of fisheries (Scientific section).

**Overall Objectives:** Aimed to provide for 2 years scientific components of observations and measurements of fish stocks; strengthening in human and logistical the NFRC of Boussoura.

**Implementation Year:** 1992.

**Funding:** EEC /FDA.

**Cost:** US\$ 1.656.946.

**Project Title 4:** Ecological Fishing in Guinea (EFG).

**Overall objective:** Establish the conditions for sustainable development of the Guinean fisheries based on the respectful use of marine ecosystems.

**Implementation Year:** 2000.

**Funding:** DRI/ French Cooperation and European Union.

**Cost:** US\$ 1.286.621.

**PARAGRAPH II: Infrastructures' construction and renovation program.**

Support to the sector by the implementation and the involvement of several follows programs and

projects for the period of 1984 to 2017.

For these interventions I made it my duty to quote these projects, identify the overall objectives, the years of implementation, the name (s), donor (s) and the total amount of the project.

**Project Title 1:** Development of artisanal fishery Port of Boulbinet Phase 1.

**Overall objective:** The project aimed to make sanitation, building a dock, an inclined plane, technical buildings, a ramandage area, an ice plant and cold room unit.

**Implementation Year:** 2000.

**Funding:** JICA.

**Cost:** ¥ 899.000.000.

**Project Title 2:** Construction of a fish market of Kéniyèn.

**Overall objective:** To provide wholesalers and populations an appropriate conditions through the provision of a central market for sale and purchase of products fisheries.

**Implementation Year:** 2002.

**Funding:** JICA.

**Cost:** ¥ 960.000.000.

**Project Title 3:** Support the Refrigerating center of Kéniyèn.

**Overall objective:** Aimed at strengthening the refrigeration capacity of the center to play its role to increase the opportunities to supply the populations in fishery products.

**Implementation Year:** 1992.

**Funding:** Spanish Cooperation.

**Cost:** 80.000.000 of pesetas.

**Title of Project 4:** Rehabilitation of the artisanal fishery port of Bonfi.

**Overall objective:** Aimed to improve in cold storage and production capacities of the ice to the use of artisanal fishermen of this artisanal fishing port.

**Implementation Year:** 2001.

**Funding:** OFCF-Japan.

**Cost:** ¥ 75,000,000.

**Project Title 5:** Rehabilitation the artisanal fishing port of Kamsar.

**Overall objective:** Aimed to improving cold storage and production capacities for the use of artisanal fishermen of this artisanal fishing port.

**Implementation Year:** 2002.

**Funding:** OFCF-Japan.

**Cost:** ¥ 70.000.000.

**Project Title 6:** *The creation of seven (7) fishing villages Phase 1.*

**Overall objective:** *Aimed at reducing poverty and improving the living conditions of fishing communities by increasing incomes and food security.*

**Implementation Year:** 2002/2006.

**Funding:** World Bank's Fund Heavily Indebted Poor Countries (HIPC).

**Costs:** US \$ 3.500.000.

**Project Title 7:** *Sanitary quality of fisheries products of (Guinea, Senegal and Mauritania)*

**Overall objective:** *this sub regional project aimed to support the quality assurance of fishery products in these countries by improving sanitary conditions in the docks with potential for the treatment of fishery products for export.*

**Implementation Year:** 2003/2006.

**Funding:** EU.

**Cost:** € 5,000,000.

**Project Title 8:** *Boulbinet Artisanal fishing port extension Phase 2.*

**Overall objective:** *Aimed at the development and extension of the jetty to improve semi industrial structure at the dock fisheries of the Autonomous Port of Conakry.*

**Implementation Year:** *Signed in 2008 and executed in 2015.*

**Funding:** JICA.

**Cost:** ¥ 500,000,000.

**Project Title 9:** *Rehabilitation of Kéniyèn cooling center.*

**Overall objective:** *Aimed at strengthening the capacity of technical staff, supply of spare parts for old equipment.*

**Implementation Year:** 2006.

**Funding:** OFCF-Japan.

**Cost:** ¥ 70,000,000.

**Project Title 10:** *Artisanal Fishing Base of Kamsar phase 1.*

**Overall objective:** *Aimed at achieving a basic infrastructure, the allocation of credits to artisanal fishermen, the supply of fishing inputs and support to wholesalers.*

**Implementation Year:** 1991/1995.

**Funding:** UNFE / UNDP.

**Cost:** US\$ 3.405.000.

**Project Title 11:** Bongolon artisanal Fishing Center.

**Overall objective:** Aimed at creating infrastructure (repair shop, fuel depots, smoking ovens), social and professional assistance through the provision of fishing inputs.

**Implementation Year:** 1989.

**Funding:** CSIC.

**Cost:** US\$ 675,000.

**Project Title 12:** Artisanal Fisheries Centers of Dubréka and Taboriya.

**Overall objective:** Aimed at improving the performance of service basic infrastructure, supply of fishing inputs, training and development of fishing communities.

**Implementation Year:** 1989.

**Funding:** Italian Cooperation.

**Cost:** US\$ 8,790,133.

**Project Title 13:** ODEPAG (Development Office of the Artisanal Fishing and Aquaculture in Guinea).

**Overall objective:** Aimed at achieving the production and marketing infrastructure, input supply and artisanal fishing boat building.

**Implementation Year:** 1985/1992.

**Funding:** ABEDA.

**Cost:** US\$ 35,000,000.

**Project Title 14:** Realization of Bonfi fish smoking center.

**Overall objective:** Extension and training in smoking by using an improved method oven on "chorkor".

**Implementation Year:** 1984/1986.

**Funding:** UNDP / FAO.

**Cost:** US\$ 300,000.

**Project Title 15:** Rehabilitation of Tèminètaye artisanal fishing port.

**Overall objective:** Aimed at improving in cold storage and production capacities for the use of artisanal fishermen of Tèminètaye.

**Implementation Year:** 2003.

**Funding:** OFCF-Japan.

**Cost:** ¥ 70.000.000.

**Project Title 16:** Realization of Gbénty artisanal fishing center.

**Overall objective:** Realization of infrastructures, credit allocation, input supply and strengthening of fishermen community capacity.

**Implementation year:** 1990.

**Funding:** EEC.

**Cost:** US\$ 1.745.000.

**Project Title 17:** Realization of industrial fishing complex "SOUGUIPECHE".

**Overall objective:** Aimed at the development and exploitation of Guinean fisheries resources as part of an integrated complex comprising of a vessels and facilities, onshore processing and storage of fishery products and providing fishing inputs and depot fuel.

**Implementation Year:** 1985/1991.

**Funding:** EEC / FDF.

**Cost:** 120.000.000 ECU.

**Project Title 18:** Artisanal Fishing Base of Kamsar Phase 2.

**Overall objective:** Aimed at achieving and promoting the construction of infrastructures, increase the ramandage area and extending the smoking center.

**Implementation Year:** 1994.

**Funding:** CSIC.

**Cost:** US\$ 450,000.

**Project Title 19:** Boulbinet landing area of artisanal fishing production center.

**Overall objective:** Aimed at clearing wrecks of small trawlers, building ramandage area and a maintenance hangar of fishing boats and the supply of fishing inputs.

**Implementation year:** 2000.

**Funding:** Guinean Government.

**Cost:** US\$ 215.000.

**Project Title 20:** Realization of an artisanal fishing port of Khonimodia.

**Overall objective:** Aimed at achieving a docking device; implanting a light signal and the supply of fishing inputs.

**Implementation year:** 1992.

**Funding:** IDAF.

**Cost:** US\$ 160.000.

**Project title 21:** Realization of an artisanal fishing port of Kakossa.

**Overall objective:** Aimed at building a store of fishing inputs and depots of various materials. Establishment of a working capital. Support for women's groups. Establishment of a credit line.

**Implementation year:** 1992.

**Funding:** IDAF.

**Cost:** US\$ 660,000.

#### **A- Fishery Equipment Program.**

**Project Title 1:** Construction and equipment of motorized fishing boats Center of Boussoura Phase 1.

**Overall Goal:** was to build a technical base, Provide inputs to improve the rate of car ownership and operation of small-scale fishing boats to increase the supply of fish and fishermen's incomes.

**Implementation year:** 1984.

**Funding:** JICA.

**Cost:** ¥ 375.000.000.

**Project Title 2:** motorized boats Center of Boussoura Phase 2.

**Overall objective:** The project aimed to consolidate the results of Phase 1 by the supply of inputs to improve the rate of car ownership and operation of small-scale fishing boats to increase the supply of fish and fishermen's incomes.

**Implementation year:** 1989.

**Funding:** JICA.

**Cost:** ¥ 290.000.000.

**Project Title 3:** Create a private Guinean national fishing fleet.

**Overall Goal:** Was to provide the Guinea national fishing capacity through the training of a core of operators across (24) trawlers with (20) glaciers and (4) freezers.

**Implementation Year:** 1988.

**Funding:** Government of Guinea fishing Agreement on EU compensation fund.

**Cost:** US \$ 27,475,000.

**Project Title 4:** Landréah repair center.

**Overall objective:** Creating a repair shop, input supply and introduction of longline line turns in

Guinea.

**Implementation Year:** 1986.

**Funding:** CIDA.

**Cost:** US\$45,000.

**B- Institutional fisheries and aquaculture sector support program in Guinea.**

**Project Title 1:** Designing a development Policy's Letter of fisheries and aquaculture in Guinea.

**Overall objective:** Aimed at identifying constraints to policy reforms for public and private investment that can support industry growth accordance with the guidelines of the PRSP2.

**Implementation year:** 2007/2008.

**Funding:** FAO / Government of Guinea.

**Cost:** US\$ 150,000.

**Project Title 2:** Design of the Master Plan for Fisheries and Aquaculture.

**Overall objective:** Aimed at developing a master plan for the development of artisanal fishing and to perform project feasibility studies.

**Implementation Year:** 2005.

**Funding:** JICA.

**Cost:** US\$ 2.210.000.

**Project Title 3:** Institutional Support to the State Secretariat for Fisheries.

**Overall objective:** Aimed at strengthening the Department of fishing capacity and sectoral administration through structuring, sector policy formulation and development program.

**Implementation Year:** 1986/1991.

**Funding:** Canadian International Development Agency (CIDA).

**Cost:** US\$ 7,723,660.

**Project Title 4:** Program to Support the Ministry of Fishery and Aquaculture (MFAME).

**Overall objective:** Aimed at supporting the restructuring the Fisheries Administration in Guinea.

**Implementation Year:** 2002.

**Funding:** EU.

**Cost:** € 900.000.

**Project title 5:** Designing a Master Plan for the Development of aquaculture (shrimp).

**Overall objective:** Aimed at developing the master plan for inland fisheries and identification of development projects.

**Implementation Year:** 1997.

**Funding:** AFD.

**Cost:** US\$ 970,000.

**Project Title 6:** Designing a Master Plan for the Development of fish farming (fish culture).

**Overall Objective:** Aims to develop the master plan for the fish culture and identifying development projects to the extension of this sector according to the ecological context of each region of Guinea.

**Implementation Year:** 2017.

**Funding:** AFD / EU.

**Cost:** 75,000 €

**Project Title 7:** Development Project of small-scale artisanal fishing.

**Overall objective:** Aimed at promoting and strengthening program of the canoes, engines in the district of Boffa. Creating of mobile workshops maintenance and outboard repair.

**Implementation Year:** 2002.

**Funding:** French Cooperation.

**Cost:** US\$ 250,000.

**Project Title 8:** Improvement quality control of fishery products intended for export.

**Overall objective:** Aimed at improving the quality of fishery products intended for export and strengthen the quality control system of the Ministry of Fisheries Aquaculture and Maritime Economy according to the requirement of major importing countries like the EU.

**Implementation Year:** 2002.

**Funding:** French Cooperation.

**Cost:** US\$ 250.000.

**Project Title 9:** Monitoring, Control and Surveillance (MCS).

**Overall Objective:** To provide the country with a management device through the development of surveillance and monitoring capacity of fisheries through training, equipment and operationalization.

**Implementation Year:** 1991.

**Funding:** World Bank / CIDA.

**Cost:** US\$ 6,515,000.

**Project Title 10:** Support for agronomic livestock and Fishery research.

**Overall Objective:** Strengthen the operational capacity through training to increase programming efficiency, design and monitoring of research; Having a better adequacy of research to the needs of the population.

**Implementation Year:** 1999.

**Funding:** French Cooperation.

**Cost:** US\$ 335,366.

**Project Title 11:** Participatory Fisheries Development in coastal areas.

**Overall Objective:** To promote a policy and institutional environment conducive to poverty reduction of coastal fishing communities and improved of natural resources management through a collaboration between the coastal fishing communities, the government and civil society.

**Implementation Year:** 2004/2007.

**Funding:** DFID.

**Cost:** US \$ 500,000.

**Project Title 12:** Sea Safety Pilot Project.

**Objective:** Extension, training and equipment to the safety at sea.

**Implementation Year:** 1992.

**Funding:** CIDA.

**Cost:** US\$ 362.400.

**Project Title 13:** Sea Safety Project.

**Overall Objective:** Aimed to strengthen and expand to other sites through an animation activities to mitigate accidents at sea.

**Implementation Year:** 1992.

**Funding:** FAO.

**Cost:** US\$ 310.000.

**Project Title 14:** Improving the fisheries management capabilities.

**Objective:** Aimed to improve the fisheries administration management capabilities.

**Implementation Year:** 1999.

**Funding:** World Bank.

**Cost:** US\$ 374.117.

**Project title 15:** Support for sanitary quality control of fishery products in Guinea.

**Overall objective:** Institutional support to SIAQPPA.

**Implementation Year:** 2001.

**Funding:** French Cooperation.

**Cost:** € 500,000.

### **C-Development of Fish culture Program in Guinea.**

**Project Title 1:** Project Development of fish-rice farms of Forest region of Guinea.

**Overall Objective:** Aimed to diversify, improve and secure the income of producers; increase of local sustainable supply of fish and rice.

**Implementation Year :** 2012/2017

**Funding:** FDA / EU.

**Cost:** € 5.000.000.

**Project Title 2:** Integrated Management Program Water Resources Phase 2.

**Overall Objective:** Aims to improve the joint management of water resources for a sustainable development in economic and social environment through the strengthening of sector governance, institutional capacity and improving sustainable management practices to reduce poverty in the Senegal River basin.

**Implementation Year :** 2016/2023

**Funding:** World Bank.

**Cost:** US\$ 10,000,000.

**Project Title 3:** Development Project of fish farming Community in Upper Guinea.

**Overall objective:** Aimed at the valuation of flood plains and ponds leading to diversification of incomes, increased qualitative people fish consumption and fight against food insecurity in this region of Guinea.

**Implementation Year:** 2009/2012.

**Funding:** JICA / Japan Embassy.

**Cost:** US\$ 10,000,000.

**Project Title 4:** Support the rural fish farming development in Guinea.

**Overall Objective:** Establishment of an operational structure for the development of rural fish farming in Forest region of Guinea.

**Implementation Year:** 2001.

**Funding:** TCP - FAO.

**Cost:** US\$ 300,000.

**Project Title 5:** *Project of fish farming development in Upper Guinea.*

**Overall Objective:** *Aimed at the valuation of flood plains and ponds leading to diversification of income, increased qualitative consumption of fish populations and fight against food insecurity. This region of Guinea.*

**Implementation Year:** 2009/2012.

**Funding:** JICA / the Embassy of Japan.

**Cost:** ¥14,326,689.

**Project Title 6:** *Pilot fish farming in Forest region of Guinea, Phase1 (experimentation), Phase-2 (extension) Phase-3 (consolidation).*

**Overall objective:** *Aimed to increase food security and enhance the capacity of people in rural areas for rural development through aquaculture.*

**Implementation Year:** 1999/2008.

**Funding:** FDA.

**Cost:** FF 5.000.000; US\$ 1.000.000.

**Project Title 7:** *Artisanal fishing and fish farming development Project in Guinea.*

**Overall Objectives:**

- *Improvement of conditions of production and enhancement of marine artisanal fishing infrastructures development through a construction of 5 landings sites of marine and inland fishing.*

- *Construction of a hatchery. Training, extension ponds demonstration and Fry production.*

**Implementation Year:** 2000/2006.

**Funding:** FDA / ABD.

**Cost:** 10.000.000 UA.

#### **D-Structural Capacity Building Program.**

**Project Title 1:** *Support to artisanal fishermen in monitoring, control and surveillance of the maritime artisanal fishing zone.*

**Overall Objective:** *To ensure the strengthening of the surveillance zone of capacity reserved for maritime fisheries through the effective involvement of fishermen by providing them with equipment, coaching and training.*

**Implementation Year:** 2000/2002.

**Funding:** SEFP / DFID.

**Cost:** US\$ 14.987.5.

**Title of Project 2:** Support for the diversification of livelihoods of fishing communities Bongolon.

**Overall objective:** Experience the fishing target resources (cuttlefish, octopus, crabs, etc.) Little or no fished by the strengthening of human capital, training in new fishing techniques, the introduction of new machinery.

**Implementation Year:** 2004.

**Funding:** SLFP / DFID.

**Cost:** 38,343,200 GNF.

**Project Title 3:** Support the development of women fishing activities of Doyéma.

**Overall objective:** Improve the technical processing and conservation of fish, to build women organizational capacity and management through the establishment of a revolving fund system (savings - credit), coaching and training, construction and management of collective ovens.

**Implementation Year:** 2003.

**Funding:** SLFP / DFID.

**Cost:** 32.343.200 GNF.

**Project Title 4:** Micro-Project of ice silos.

**Overall Objective:** Aimed to improve ice storage of artisanal fishing products.

**Implementation Year:** 2002.

**Funding:** FAO Accra.

**Cost:** US\$ 10.000.

**Project Title 5:** Support for training of girls and women in food processing and preservation technic (cold smoking).

**Overall objective:** Aimed to contribute and improving the living conditions of girls and women disadvantaged by non-formal basic education and implementation of revenue-generating activities

**Implementation Year:** 2002.

**Funding:** UNESCO / CATC.

**Cost:** US\$ 56,500.

**Project Title 6:** Support to Women fish smokers.

**Overall Objective:** Aimed to Infrastructures Construction's foster community development smokers.

**Implementation Year:** 1994.

**Funding:** CIDA.

**Cost:** US\$ 225,000.

**Project Title 7:** *Integrated artisanal fishing development project of Kaback Phase 1.*

**Overall objective:** *basic service construction, provision of inputs fishing and foster community development.*

**Implementation Year:** 1989.

**Funding:** *FAO /IDAF.*

**Cost:** US\$ 1.300.000.

**Project Title 8:** *Pilot project to improve fish markets and fish trade.*

**Overall objective:** *Aimed to promote the flow and better promotion of Fisheries and Aquaculture products for the Improvement of fish marketing.*

**Implementation Year:** 2001.

**Funding:** *JICA.*

**Cost:** US\$ 620,000.

**Project Title 9:** *Integrated artisanal fishery Project in Kaback phase 2.*

**Overall Objective:** *Aimed to consolidate the integrated approach by strengthening technical, organizational and managerial skills structures initiated during Phase 1.*

**Execution:** 1994.

**Funding:** *IDAF.*

**Cost:** US\$ 36.5000.

**Project Title 10:** *Experimental Improved fish smoking in the coastal region.*

**Overall Objective:** *Increase the benefit of women smokers by improving smoking and reducing working environment fuelwood use.*

**Implementation Year:** 1992.

**Funding:** *EEC / FDA.*

**Cost:** US\$ 1.656.946.

**NB:** *According to my analysis I've realized that no programs or projects related to training and capacity building in the legal aspects of ocean governance and in general industry due to which there is a failure on knowledge and respect for our public administration for this purpose.*

**CHAPTER II: Analysis of Various reforms related to the Fisheries sector in Guinea.**

**Objective:** *The aim of this chapter is to analyze the political and legal reforms to fisheries and the aquaculture sector.*

**SECTION A: Political Reforms Analysis of Fisheries sector in Guinea.**

**Objective:** *The objective of this section is to make a descriptive analysis of governance improvements by the consolidation of fisheries and aquaculture policies acquired.*

**PARAGRAPH I: Improving governance of the sector.**

### **Promoting an adequate policy framework.**

The sectoral strategy defined in the Fishery and Aquaculture Strategy Development Policy (FASDP) improved the sector diagnosis and provided a real foundation for the development of fisheries and aquaculture. The FASDP particularly stressed the importance of good governance for sustainable development of the fisheries sector resources to drive the best economic and social benefits. However, it has some shortcomings regarding iii) the lack of institutional reforms concerning the priority given to fisheries management, IV) lack of guidance on a particular operating model of fishery resources (industrial or artisanal). These deficiencies have been identified by the general fisheries' States.

**Note:** The promotion of the policy framework will be done with the improvement and eradication of these shortcomings.

### **Strengthening monitoring and control of marine fisheries.**

The government has made many efforts to ensure better monitoring of the fishery resources of the Guinean EEZ (creation and equipment of the National Fisheries Research Center of Boussoira (NFRCB), creation of the Fisheries National Observatory (FNO) capacity building for researchers skills, acquisition a fisheries research vessel, etc. However despite the efforts undertaken, knowledge of the current status of some of the Guinean EEZ resources are still insufficient and do not allow for the effective management of fisheries. Some questions remain unanswered, including the increase the sector's contribution to the national economy, the profitability of fishing units fisheries research weaknesses relate to several factors including: (i) insufficient acoustic evaluation skills, economics, sociology, law, ecology and aquaculture; (ii) aging of the research staff; (iii) inadequate financial resources allocated to research; (iv) inadequacy of the command staff of the research vessel "GLC" etc.

In addition, the programming of research is still inadequate in view of the role it has to play primarily in support of fisheries management (weak exchanges between research, administration and occupation).

Regarding fisheries surveillance, one of its major weakness remains its inability to stop the upsurge in IUU fishing which, according to estimates, cost Guinea about 30 million US Dollars per year. If IUU fishing activities are not preventing, they will destroy state efforts to promote sustainable fisheries and exports to growing markets (EU in particular). The FPMNC is responsible for monitoring fisheries management but is undermined by a large workforce and a decline in performance. Moreover, fisheries surveillance is limited by the fact that the FPMNC not available at this time of seafarers means suitable for offshore surveillance. In artisanal fisheries, Guinea has been successfully experimenting with participatory monitoring in some docks. Unfortunately, the gains have not been capitalized and replicated in other docks. This form of monitoring has not been institutionalized.

**NB:** Strengthening the monitoring, control and sea fishing with monitoring will improve and eradicate these deficiencies.

### **Promoting an adequate legal and institutional framework.**

Promoting the legal framework, the Government provided enough effort to updating and adapting to new challenges of sub regional, regional and international fisheries management. The improvement and development of regulations must be an ongoing process. In terms of regulation, major deficiencies to be corrected are the lack of regulations governing the professions in the sector of artisanal fishing (fisherman, fishmonger, and processor). This lack of regulation creates social and professional insecurity for these trades.

Regarding the institutional framework there are anomalies that are:

- A notorious lack of operational capacities of administrative structures, preventing them from acting effectively in exercising their duties. The institutions responsible for fisheries monitoring, health control, regulation and control of its application, are characterized by low budgets and a lack of adequate

human resources, equipment, logistics and finance. Moreover, there is a lack of motivation of the high staff efficiency and professionalism;

- The inadequacy of the current organization of the MFAME marked by the absence of structures dedicated to fisheries management as it is a priority function of MFAME. In the current situation, there is no separation between the function of management and administrative function operation monitoring, which is a weakness for a transparent allocation of fishing rights;

- A lack of clarity between and sometimes an overlap in the mandates and institutional prerogatives of the structures of the Ministry of Fisheries and Aquaculture and Maritime Economy, detrimental to the overall efficiency and institutional synergy;

- A high concentration of administrative staff in central services or 90% of the workforce, which does not favor a close management of ground realities;

- An absence of institutional mechanisms for consultation and co-management with professional actors. This stress is compounded by the fact that professional organizations have limited managerial capabilities and financial resources;

- Inadequate mechanisms for coordination and information flow between MFAME services and the communication with the public;

- The provision of marine economy to the Ministry of Fisheries and Aquaculture is imperative that leave in the portfolio of the Ministry of Transport;

- The creation of certain services or departments just for political purposes but which are not adequate to the realities as the government was to strengthen the institutional capacity of others who can develop the sector.

### **Strengthening Health system and monitoring of fishery products.**

The Guinean government has made significant efforts to improve the institutional framework dedicated to sanitary control or monitoring with the creation of an Aquaculture and Fishery Products Sanitary Monitoring. However, the institutional capacity of the AFPSMNO are clearly insufficient to enable it to perform an upgrade of the health monitoring system along the fishing industry (lack of suitable premises for headquarters, equipment, and computer resources logistics, lack of sanitary inspection posts inside the country and borders, weak capabilities of inspection personnel, shortage means for sampling and analysis etc.) .

### **Construction of support infrastructures for production and recovery of fishery products.**

One of obstacles to the development of the fishing industry in Guinea is the lack of standards infrastructure and support activities (industrial fishing port, ship repair, and other supporting industries) for the landing of fishery products, their local processing and therefore an increase in the added value. In the sector of artisanal fisheries, the state has implemented many infrastructure supports to the activities of artisanal fishing (fishing pier, refrigeration complex, and craft processing areas). However these infrastructures are limited in number and do not cover certain strategic locations in the coastal area of Guinean. For the existing infrastructure, one of the biggest challenges posed remains management. Existing management systems have failed and call into question the durability of structures. The search for alternative management forms as a matter of urgency

### **Strengthen the marketing system.**

The fish consumption per capita is about 14 kg / h / year. It is one of the lowest in the sub-region. It varies from one region to another for various reasons, mostly related to deficiencies in the marketing system: poor structuring of the distribution circuit, conservation infrastructure deficiency and marketing, poor logistics, poor roads etc. The products reach the consumer in a generally poor condition. In addition to the technical issues of storage and distribution, the organization of wholesale

trader's job is nonexistent, making the practices unfavorable to the provision of good quality fish at affordable prices for consumers.

**Orientation equity financing and building staff capacity for the development of Inland Fisheries and Aquaculture which is a segment of the Ministry of Fisheries.**

This policy allows for interventions within inland fisheries, which suffers from a lack of knowledge and reliable. Regarding aquaculture, progress handicapped by several factors, the most important are: i) the absence of a viable legal and institutional framework to promote aquaculture; ii) lack of qualified personnel in aquaculture; iii) insufficient research capabilities and aquaculture specialists trainers; iv) high cost of development of fish structures v) the lack of companies specializing in the manufacture of food; vi) lack of operational structures as a hatchery production of fry and larvae etc.

All components of the Department of Fisheries confused, lack of financing tools adapted to the activities of the various sectors. The lack of financing system for artisanal and industrial fisheries is a handicap in several ways: i) difficulty for Guinean operators to participate in the creation of a national fleet, ii) lack of resources to meet the requirements for compliance with health standards, for example, the modernization of vessels or transport of fish products; iii) difficulty to accompany individual initiatives in the field of aquaculture, etc. Ultimately this constraint is a real obstacle to the modernization of the sector.

**NB:** Promoting an adequate legal and institutional framework is to eradicate not only deficiencies but also set up institutions and mechanisms to boost good fisheries sector governance.

-Strengthen the capacity of harmonization of national regulations, sub-regional and regional sustainable management of fish stocks and the marine environment.

-Improving and updating the legal framework for fisheries in accordance with sub-regional, regional and international standards:

-Apply investment code to attract domestic and foreign investors.

-Limit or reduce dependence on foreign ships sector by creating our national fleet and improved that exists.

-To promote measures that are part of the recovery of certain stocks (fish, crustaceans and bivalve products) regularly counted in the catches.

-Investing more in fisheries monitoring and control of catches,

-Construction of docking facilities, wharfs, storage facilities, preservation, ice plant, and processing, refueling, repair shops, a shipyard for marine and inland fisheries;

-Construction of aquaculture production infrastructures (shrimp and fish) farms;

-The acquisition of efficient equipment's for research and fishery monitoring.

-Improving the institutional framework dedicated to sanitary control with the creation of an Office of sanitary control of fishery products and aquaculture;

-Restore the autonomy of management of the Fishery Police Monitoring National Center (FPMNC) and the National Fisheries Research Center of Boussoura (NFRCB) with the adoption of a Decree naming their Member of the Board of FPMNC and a decree appointing the members of Scientist Council;

-Improved transparency in the decision to grant fishing authorizations with creation of a Committee for the investigation of industrial fisheries license applications;

*-Establishment of a national expertise panel for a review of the work done within the framework of the implementation of the Ministry of Fishery and Aquaculture Supporting Program (MFASP) for the consideration of the State's general reflections;*

*-Strengthen the bi and multilateral cooperation with partners regarding fisheries sector.*

*-Implemented the development programs and projects of artisanal, industrial fisheries and aquaculture to cover a broader area of Guinea.*

#### **PARAGRAPH II: Consolidation of fisheries policies.**

*Apart from national laws and texts, the sub regional and regional, consolidation of fisheries policy is the marine fisheries advisory consul (MFAC) for fisheries co-management in Guinea. This Co-management is a form of governance consisting of sharing responsibilities between the state and the actors and was included for the first time in the Maritime fishing code in **Title 2, Chapter 1, Section 2, Articles 21, 22 and 23** these provisions concern the establishment of the advisory consul of marine fishery, the composition, functioning and mission are set by regulatory means.*

*This sectoral policy framework places particular emphasis on the promotion of co-management in the sustainable management of fisheries by a participatory and inclusive process. The Guinean government intends to consolidate the achievements in co-management and ensure the technical and organizational capacity strengthening of actors. These measures to strengthen co-management by*

*local fisheries governance are recommended by the Code of Conduct for Responsible Fisheries, enacted by FAO. Its implementation in Guinea puts fishers at the heart of policy fisheries management.*

*Indeed, the Advisory consul allows artisanal fishermen to be aware of all the measures taken in respect of them for the sustainable management of fisheries resources.*

*One of the missions is for the MFAC to be operational and functional. So it will be a strong governing body capable of meeting the challenges in managing participatory and inclusive resource.*

*Recall that the consul could group the college of (fishermen, fishmongers, transformative, vendors in the fishing docks, carriers, carters, wise and notables).*

*The sustainable management of fisheries resources necessarily requires concerted management that must involve all stakeholders in the fishing communities and fisheries administration.*

*The countries in the region have a long tradition of management and research in the field of fisheries through the Fishery Committee for the Eastern Central Atlantic stretching from Morocco in the north to Angola in the south. However, aware of the need to better harmonize policies and to strengthen collaboration between the countries of the sub region, seven (7) coastal countries including Guinea founded an intergovernmental organization Sub Regional Fisheries Commission (SRFC) in March 1985.*

*The implementation of appropriate management measures should occur at both national and regional level. The scientific fish stocks assessments should be conducted together at the sub regional and regional level to reduce fishing effort. A design of regional policies for sustainable fishing will facilitate:*

- 1) The promotion of institutional cooperation between States and consultations between researchers, administration and professional of the fisheries sector;*
- 2) improved management of coastal pelagic fisheries through advisory committees;*
- 3) Information management and dissemination to stakeholders through the appropriate media.*

*Moreover, the Great Marine Ecosystem Project Canary Current, through its demonstration activity on transboundary sustainable management of shared stocks (small pelagic) in northwestern Africa with a compatible ecosystem approach is to promote agreements multi-country evaluation of the sub-regional resource, policies and plans for sustainable management of transboundary shared stocks the cases of fish species ,small pelagic which are distributed in the upwelling zone between Morocco and southern Senegal . This work is conducted in close collaboration with the project of EAF - Nansen "Strengthening the knowledge base and implementing an ecosystem approach of marine fisheries in developing countries , which aims to assist developing countries in Africa to implement an ecosystem approach to fisheries and support the improvement of knowledge on ecosystems by conducting scientific studies and other activities.*

*As part of the work on a harmonization of national fisheries policies and the coordination of management measures, the SRFC in collaboration with the FAO (projects, ecosystem approach to fisheries -Nansen and the Great Marine Ecosystem Canary Current Project) commissioned the drafting of a regional policy fisheries for the Northwest African region with the objective of reviewing the policy documents of each country and to ensure their suitability or coherence for the sustainable and concerted management of transboundary fish stocks. The results of these documents helped to consolidate regional fisheries policy for fish stocks in these countries, the design of a regional action plan for the implementation of the policy and links to management plans.*

**SECTION B: Analysis of Legal Reforms of the Fisheries sector in Guinea.**

**Objective:** *The objective of this section is to analyze of the legal texts at the (national, sub-regional, regional and international level) for our fisheries sector.*

**Paragraph I: Description and analysis of Legal texts of Fishery at the national level.**

*With the exception of the normative system relating to sanitary control of fish products, the legal framework of the Guinean fisheries sub-sector was notably for its complexity and the age before of the national legislative and regulatory instrument, as well as lack of recognition for or non-compliance with recent international developments.*

## **The Guinean fisheries legislation.**

The scope of the legal instrument concerned:

- (i) Marine fisheries;
- (ii) Inland fisheries;
- (iii) Aquaculture;

Health control and quality of fishery products, vessels and processing units or the conservation of fishery products.

This instrument currently governing the fisheries sector in Guinea covers two main areas namely:

- 1- The management and exploitation of marine and inland fisheries resources;
- 2- The health control of fish products.

Related regulations also complete the legal framework governing the sector of fisheries and aquaculture as the texts relating to the code of merchant marine, the code of environment, the code of rural land, the code of public Health, the code of investment, the code of Water and the code of Mining.

### **Management and exploitation of marine fisheries resources.**

**Article 41 of the Law N°026/2015 /NA** regarding code of marine fisheries in Guinea, states that a boat or vessel while admitted to practice industrial fishing from ports of Conakry and Kamsar is required to have a fishing license, be provided with a navigation permit valid for the current year and must be under the age of seven (7) years.

Violations are subject to administrative sanctions and criminal penalties; both levels of sanctions that may be joint or several.

**Article 82** of the Marine Fisheries Code banned trawling in general and the practice of any fishing using towed gears within the territorial sea of Guinea.

Under **Section 3, Articles 148, 149** of the Code of Marine Fisheries regulates the fishmonger profession in Guinea, No person may exercise the profession of wholesale trader (wholesaler and semi-wholesale fish and other fishery products, if he is not a member of the Corporation and holds a professional license issued by the Ministries of Fisheries Aquaculture and Maritime Economy and Trade. To exercise the profession of fish wholesale trader and fishery products a person must fulfill, in addition to general obligations specific to all traders, the specific conditions provided by law (possession of a compliant local and equipment holder professional card, submission to the control). The professional card is not transferable and is valid only for one year.

In this profession, no shipping senior fisheries products to a net weight of 25 kg may be made from the port, airport or other landing place by a non-owner of the business card person wholesale trader.

Under **Title 4, Chapter 1, Articles 81 and 82**, the use in fishing of any drug, substance, grass, fruit, root, leaf or bark intended to kill, asleep or drunk fish and the use of firearms or explosives is prohibited in the maritime waters of Guinea. The spill in the waters of these substances is prohibited, even if it is not done in order to catch fish.

Pursuant to **Decree N°32 MFA/Cab/7/July/1994** applying royalties control and monitoring products and fishery facilities, control fees, and monitoring products and fishery facilities comprise (a) specific charges due on the occasion of the presentation of the quality control of fishery products, (b) health royalties on the products presented to the control according to the number of visits or inspections

carried out during the inspection (c) accreditation fees payable to the renewal or granting of approvals, (d) operating permit fees refrigerated warehouses, cold stores or fishing vessels and (v) charges of expertise.

**Chapter 1, Section 1, Article 45** of Marine Fisheries code Regulations concerning the minimum sizes and weights of marine and inland fishery resources caught by categories to be landed for local consumption, industrial processing and exportation.

To complete this part, the method was as follows:

1. Listing of the main species caught in the marine environment based on work conducted by NFRCB;

2. Search the available literature (studies and research) size at first maturity of the main species it turned out that in fact it has mostly some information on species inhabiting inland water bodies in particular by reference to the thesis of A. Badahoui (2010), mentioned above;

3. When the information was not available, it was made a comparative analysis of existing measures in other regulations of the West African's countries as a) Ghana: Fisheries Regulations, 2010 (LI 1968) ,reference priority given the close ecological b) Senegal Decree N° 98-498 of 10<sup>th</sup> of June 1998 laying down detailed rules of the law code of sea fishing c) Mauritania: Decree N°2002-073 -01<sup>st</sup> of October 2002 General Regulations of the Law N° 2000-025 of 24<sup>th</sup> of January 2000 on fisheries code.

Thus, the following measures have been proposed. Parenthetically mentioned the measures in force in other countries a) Ghana b) Senegal, c) Mauritania.

#### **Pelagic fish:**

\* *Sphyraeana* spp. (barracuda): 30 cm (a)).

\* *Scomber* (mackerel): 20 cm (18 cm a), b 12 cm) 25 cm c)).

\* *Sardinella* spp. (sardine) 18 cm (8 cm), 12 cm b) 16-18 cm c)).

#### **Demersal fish:**

\* *Pomadasys* spp. (black bream): 16 cm (14-18 cm depending on species)).

\* *Sparus* spp. (seabream): 20 cm (18 cm a), 20 cm c)).

\* *Dentex* spp. (toothed): 20 cm (22 cm a), 15 cm c)).

\* *Lutjanus* spp. (red carp): 16 cm (a)).

\* *Pagellus bellottii* (pageot red point): 15 cm (14 cm a), 19 cm c))

#### **Fish from inland fisheries:**

\* *Oreochromis niloticus* (carp): 13 cm (Badahoui).

\* *Lates niloticus* (captain): 24 cm (Badahoui)

#### **Tunas:**

\* *Thunnus obesus* (bigeye): 55 cm (a)).

\* *Thunnus albacares* (yellowfin): 55 cm (a))

## **Shrimp:**

\* *Penaeus vanamei* (white shrimp.): 150 individuals / kg (Senegalese legislation which provides 200 individuals / kg is subject to much controversy of a bio-economic point of view and cannot be used as a model).

According to **Ordinance or bylaw N°24/MFA/27/March/2002** concerning the conditions for granting approval and authorization to establishments on land, ships and isothermal facilities for fishery products, the issuance of approval or the authorization is subject to the payment of royalties. The validity of the authorization of fishing vessels and factory ships is one (1) year. Its renewal is subject to the formulation of a request by the technical and health inspection.

**Title 3, Section 5, Articles 64, 67** of the Marine Fisheries Code establishing the conditions for the exercise of fishing in the Guinean's territorial sea prohibits the use of towed gears within 5 nautical miles.

**Section 7, Article 94** of the Marine Fisheries Code concerning definition of fishing effort and its operating conditions in the fixed Guinean territorial sea fishing effort in trawls 4000 HP engine power to be shared between the boats of less than or equal to 18 meters length (exceptionally up to 25 meters) and less engine power of 325 HP. This effort may be revised if the following conditions are found: overpopulation of aquatic fauna territorial sea; overexploitation of marine resources. Selling in a Guinean port of all the fish caught is mandatory.

**Section 5, Articles 37, 38, 39, and 88 of maritime fishing code** laying down the conditions and registration procedures canoes and trawlers in Guinea provides that the **FPMNC** is the authority responsible for the registration of canoes and fishing vessels for trawlers.

According to **Chapter 1, Section 1, Articles 11 and 12** of the Code of Merchant Marine regulating control of navigation in the marine area of Guinea, shipping is free in the territorial sea of Guinea for the domestic and foreign merchant vessels, while foreign fishing vessels are entitled to freedom of movement, provided that these ships comply with national rules.

## **Health control of fisheries products.**

In this case the Ministry of Fisheries and Aquaculture in addition to the provisions of the Code of marine fishing also reflects the Public Health Code in its **Chapter 2, Section 5, Article 82** including various clauses relating Code public health control food prohibited to market, food that is known corrupt, poisonous or not having the microbiological quality criteria or hygienic set. The scope of the law covers including all operations that involve the growing, harvesting, picking, fishing, slaughtering, manufacturing, processing or packaging of a commodity including storage in during production and before the first marketing.

**Articles 152 and 153 of the Code of sea fishing** on the quality assurance of Fisheries and Aquaculture products, implementing legislation for the control of food from fish origin is contained in the Decree on creating the organization and functioning of the (**NOSFAP**) is the authority in charge of quality assurance and quality control of fishery products. It has a sanitary inspectorate. Fishery products and coating materials are imported must be accompanied by a health certificate or health and a certificate of origin issued by the country of origin of the product.

**Chapter 1, Sections 1 and 2, Articles 145, 146, 147:** of the fisheries code The same establishes a maritime monitoring of fishery products and aquaculture and marketing requirements for these products in accordance with EU standards. The following are subject to mandatory control, (i) any fishing vessel permitted to land his fish product in Guinea, (ii) any institution of preservation, sales or products processing fishing installed on the national territory and (iii) any fishery product, whether fresh, frozen, refrigerated, salted, dried, smoked or in the form of tinned cans or other containers or not subject to a sterilization process, whether stored on a fishing vessel, grounded or transshipped in territorial sea, whether for consumption or a treatment facility or storage.

**Paragraph:** bearing for parasites in fishery products and aquaculture lays down rules relating to visual inspections to detect parasites in fishery products. The control gate on a representative number of samples. According to this text, visual inspection of eviscerated fish is carried out by qualified persons and covers the abdominal cavity, livers, and roes intended for human consumption. The visual inspection of fish fillets or fish slices is performed by qualified persons during trimming and after filleting or slicing.

**Paragraph:** Setting rules of organization, quality control procedures, safety and traceability of fishery products is to clarify the operational criteria of control of fishery products, including procedures, organizational arrangements, conduct inspections, sampling, analysis and certification of such products as well as quality assurance measures in all places of manipulation. It establishes the separation of fisheries products control functions of the police fisheries and promotion of the sector. Following this order, the traceability of fish products, any incorporated material or expected to be incorporated, any material intended to come into contact with these products should be established at all stages of production, processing, storage and export.

**Paragraph:** with export requirements, import and distribution of fish products in Guinea. Exports of fishery products are subject with obtaining a registration of facilities and / or suitable devices to be provided to keep these foods in the requirements temperature. Official controls on imported products include at least a systematic documentary check, a random identity check and, where appropriate, a physical check of the products. The observance of good storage practices is mandatory during transport, distribution and storage of fishery products.

**Paragraph:** In accordance with definition of hygiene conditions on board fishing vessels and factory vessels, hygiene on vessels specifically target parts of ships, vessels, processing equipment and other equipment to come into contact with fishery products. They must be smooth and easy to clean and disinfect. Fisheries products, as they are taken on board, must be quickly removed from the sun or other heat source. They must be handled and stored with care. The preservation by freezing is mandatory for ships engaged tides of over twenty-four hours and;

With definition of onboard sanitation fishing canoes specifies that the inner walls of the vessel and the materials to come into contact with fishery products must be smooth and easy to clean and disinfect. They should also be kept in good maintenance and ownership. Ice used to chill fishery products must be made with straw and drinking water. During unloading and landing, contamination of fishery products must be avoided.

**Paragraph** carrying the water quality in onshore facilities for the processing of fishery products, the water used in onshore facilities for the development of fishery products and the safety of staff and workplaces must be clean; and

On materials and articles intended to come into contact with foodstuffs of fish origin recalls that all materials and articles intended to come into contact directly or indirectly with food must be sufficiently inert not to yield to such foodstuffs constituents in quantities which could endanger human health, bring about an unacceptable change in the composition of food or alter their organoleptic characteristics.

**Paragraph** precise maximum levels of pesticide molecules organ halogen and other substances in the fixed fishery products maximum levels of organochlorines, organophosphates and similar permitted in fish products.

**Paragraph** list of carrying cleaning and disinfecting products allowed in establishments on land, ships and facilities insulated fish products lists the cleaning and disinfection products (detergent, bactericidal, fungicidal, virucidal, sporicidal ) allowed in establishments on land, ships and facilities insulated fish products.

**Paragraph** with verification of good practices Laboratory analyzes of fisheries products respect to the mode of organization and planning requirements, implementation, recording and dissemination of the results of laboratory tests on fishery products, water, ice and other additive and ingredient in the development of fishery products. The Minister of Fisheries and Aquaculture is developing a

*multidisciplinary team for verification analyzes conducted to assess compliance with good laboratory practice.*

**Paragraph** fixing the chemicals limit values such that: in total volatile basic nitrogen, trimethylamine, histamine lead, mercury and cadmium in products that are precise fish considered unfit for human consumption, fish products whose organoleptic analysis reveals a lack of freshness and whose microbiological testing indicates levels of TVB-N, histamine and trimethylamine to exceed the standards set in this alienated.

**Paragraph** bearing definition additives allowed in the processing of fish products applies to additives other than colors, sweeteners and flour treatment agents. These additives may be anti-oxygen, acidifiers, acidity regulators, anti-caking agents, gelling agents, humectant, stabilizers, etc.

**Paragraph** carrying definition of hygiene in establishments on land states that land establishments must have sufficient dimensions of workplaces, so that business activities are conducted under the required conditions. These places are located and fitted so as to avoid any heating, product contamination or pollution from the outside. The clean area must be clearly separated from the stained area. These institutions must use insulated vehicles for the transport of fishery products. Product handling operations, freezing, thawing fish products, salting, smoking, cooking crustaceans and mollusks, packaging must comply with the international regulations.

**Paragraph** car carrying health inspection in establishments on land recommends following the logic model approach Hazard Analysis Critical Control Point (HACCP). Any establishment on land must have a multidisciplinary team including a specialist competent Quality Assurance, a product of the manufacturing process considered specialist, a technician with a working knowledge of the functioning and hygiene equipment and materials used to manufacture the product and a specialist in microbiology issues, hygiene and food technology. If necessary, the institution relies on outside expertise.

**Chapter 3, Articles 155, 156, 157.158** of the Code of marine fishing with control and certification of the legality of products from marine fisheries in Guinea; This is the prohibition of fishery products from IUU fishing, certification of the legality of the catch and finally collects information on reporting catches of the vessels flying the Guinean flag of which the product is intended to export.

### **Management and exploitation of inland fishery resources.**

**Title I, Chapter 3, Articles 4, 25, 26, 27 and 33** from the **Law N°027/2015/NA** regarding the code of inland fishing on the general regulation of fishing in the inland waters of Guinea list of inland waters of Guinea and the law **L/94/005/CTRN of 15/02/1994** with federal land code and **Article 26**: Rivers, streams, ponds, marshes and canals. The state has the right to fish in waters that are part of its private property or public domain. The exercise of this right to fish, however, is granted to persons or communities customarily fishing in these waters, provided they are in possession of administrative permission recognizing this right, if the fisherman operates free walk free or for consideration if a canoe accompanied the fisherman.

Fishing in territorial waters is reserved for Guinean vessels and, subject to reciprocity, to vessels from other neighboring states or certain categories of them that comply with Guinean laws and on payment of royalties **Article 36** of the Code inland fishery.

**Chapter 5, Article 39** of the Code of inland fishery as use of any drug fishing means, substance, grass, fruit, root, leaf or bark intended to kill, asleep or drunk fish and the use of weapons firearms or explosives is prohibited. The spill in natural or artificial waters of these substances is prohibited, even if it is not done in order to catch fish.

Under **Chapter 2, Article 54** of the Code of inland fisheries it is also prohibited to block natural waterways, with tablecloth nets attached to the shore or on the bottom, on more than two thirds of the width wet these waters, unless otherwise actions of special orders. The use of purse seines is however allowed in rivers, open and full or partial fishing closure dates are set by decision of the Minister of fisheries or by decision of the District Administrative Manager acting by express delegation by the Minister of Fisheries and Aquaculture.

**Chapter 12, Article 25** of the Code of inland fisheries with the water management. The actions that harm the ecosystem balance or affect their biodiversity, are regulated and, where appropriate, prohibited by the law. This applies in particular uses of water resulting in a change of their regime, spreading for any purpose whatsoever chemicals and particularly of agricultural pesticides, effluent discharges or toxic substances, discharge or flow wastewater and depositing of refuse or domestic or industrial waste.

The structures built in the river bed must maintain a minimum flow ensuring the needs of users and aquatic life downstream of the structure. When implanted into waterways frequented by migratory fish, they must also be equipped with crossing devices. In transitional water protection areas may be delimited.

Inland fishing boats are required to obtain a license and therefore can register on the file held by the competent authority.

**Chapter 7, Article 11** on the Code of inland fishing on participatory resource management approach provides that the competent authority responsible for implementing the government's policy on inland fisheries shall take all appropriate measures to promote consultation and participation of local communities, professional organizations in the field when defining the development's policy.

**Chapter 9, Article 14** of the Code of inland fishery for international cooperation stipulates that Guinea cooperates sub regional and regional level with other countries in inland fishing. This cooperation includes:

- \* Sustainable management of freshwater resources;
- \* Harmonization of rules of access and exploitation of these resources;
- \* The establishment of mechanisms for prevention and settlement of conflicts between riverside populations over the border of water;
- \* Harmonization of rules for monitoring, control and security;
- \* The harmonization of methods to collecting statistical data and creating a database.

### **Fish farming or aquaculture.**

The amendments in this regard relate to aspects related to capacity building of various stakeholders, access to land, and organization of capacities building, especially regarding the quality of fry, the food and service providers' service. With respect to the issue of access to land, it should be recalled the relevant provisions of the law on rural land tenure in Guinea.

### **The related Regulations.**

**Ordinance N°06/92/019 of 30<sup>th</sup> of March 1992** concerning the code of rural landed and the Law **L/94/005/TCNR of 15<sup>th</sup> of February 1994, Article 26** of the code of water bearing regime. This provision stipulates that use of public waters and access to them are subject to public property regime. Thus the right to fish in all public waters, natural or artificial, furnished or not, belongs to the state. However, natural or legal, public or private persons can enjoy this right, whether by permit or by concession. The local people retain as for them their traditional rights of exploitation of fisheries resources. These rights are exclusively transmitted by inheritance, and are not subject to any transaction.

**Law L/N°2015/028/NA/1<sup>st</sup> of September 2015** bearing the code of aquaculture and **Chapter 10, Section 1, Article 15** of the Code of inland fisheries define fishery facilities and distinguishes those carried out on plans and waterways to organize individual or collective exercise of fishing and aquaculture for those purposes (fish farming) individual or artisanal kind involving infrastructure and equipment suitable for the intensive farming of fish and other fishery resources.

The fish farms management of more than one (1) hectare should be performed under the control of the Minister responsible for fisheries through the technical service is the Fish culture National Office and according to the rules laid down by regulation.

**Law L 95/23/TCNR, Chapter 1, Section 1, Article 5 of 12/06/1995** on the code of the merchant marine, which states that the territorial sea extend to a distance of twelve nautical miles from the leaves of the low tide. For gulfs, bays or estuaries, decrees set as needed, the line from which the distance is counted. This text defines sea fishing as any capture by appropriate means of any animal living in the sea or in the maritime part of the rivers. Navigating fishing involves three areas: inshore, offshore and deep sea fishing. It is forbidden to use for fishing or dynamite or any other explosive or substance or bait that can intoxicate or destroy fish and shellfish.

**Chapter 3, Section 1, Article 266** of the Code of merchant marine of **12/06/1995** on the general status of seafarer's . This sets the text for labor relations, workstations, general principles defining the rights and obligations, remuneration, discipline on board, promotion and social protection of aircrew and the military status of the marine.

**Chapter 1, Section 1, Article 3 Paragraph 2 of 12/06/1995** on the Code of marine merchant in Guinea, regulating navigation to fishing, which relates to the exploitation of fishery resources of the sea, which includes four (4) areas:

\* **Navigating by canoe or artisanal fisheries.** Navigation granted to canoe or artisanal fishing, boating done by motorized boats or canoes or unpowered in the area extending along the coasts to a distance of five (5) nautical miles from the baseline;

\* **Navigating the inshore.** Navigation is granted to coastal fisheries, navigation carried out by the fishing vessels in the zone extending beyond the navigation area to artisanal and adjacent thereto, for a distance of twenty (20) nautical miles from the baseline;

\* **Navigating fishing offshore.** Navigation is granted to fishing off the navigation carried out by fishing vessels other than canoes or motorized or non-motorized boats in the area extending beyond the navigation area to the coastal and adjacent one, up to a distance of two hundred (200) nautical miles from the baseline or beyond national maritime boundaries;

\* **Navigation to deep sea fishing.** Navigation is granted to fishing vessels other than canoes or motorized boats in the area extending beyond the navigation area to the fishing off.

At the end of this text, the national companies are free to fish in the exclusive economic zone (EEZ).

**Chapter 1, Section 1, Items 307 326, 324 338** of the Code of the Merchant Navy stipulate That all vessels flying the flag and canoes must be Entered On the Ship Registry open nearby FPMNC services. The registration of fishing vessels and canoes gives rise to the collection of a fee of which the amount is set by regulation. Unlike ships that are required to display permanent markings a permanent external reporting that can identify the canoes are not held to the duty of marking, or the penalty for possession of a Maritime title or to perform the so-called guinéisation procedure. It is important to remember that guinéisation is the administrative formality that gives the ships the right to fly display by the Guinean flag with the privileges attached thereto. This administrative process is proven by the certificate issued by the competent authority.

**Chapter 1, Section 1, Articles 338 307.326** code of shipping; All vessels must have a safety certificate or exemption certificate and a logbook, and initialed by the Director of FPMNC. It is prohibited for any vessel crossing or staying in the maritime areas under the jurisdiction of Guinea to commit an act of pollution such as rejection, incineration or immersion.

The law regulates the bareboat charter which comprises for a time defined a specific vessel without crew and equipment without weapons, or with more or less complete armament equipment, available to a charterer who operates itself similarly, against payment of rent.

*In the case of bareboat charter, the charterer is obliged to deliver to the charterer at the time and place agreed, a seaworthy suitable for fishing planned.*

**Ordinance N° 045/PRG/87 and 022/PRG/89, Chapter 2, Articles 72, 73** bearing the code of environment by virtue of this text, no occupation, operation, construction or establishment may constitute a nuisance of any kind whatsoever may be made or carried on the shore of the sea and throughout the maritime public domain without authorization from the Ministry for the environment. The authorization is granted only after technical opinion of the National Direction of Environment must report on the impact assessment produced by the client.

**Title 3, Chapter 1, Articles 170 171 172** of the code of Shipping on the MARPOL convention, includes provisions to prevent and control water pollution from ships, river facilities and the listed facilities.

**Ordinance N° 045/PRG/87 and N°022/PRG/89, Chapter 3, Articles 83, 89, 91** regarding the code of environment state the definition of coastal management responsibilities. This text has implications for the fisheries sector. Coastal management is meant by regular monitoring measures, the morphological evolution of the coasts, programming of actions necessary for their protection, rational use of coastal space. The text creates a fund whose resources will be used to finance the maintenance of protection works of the coast and the work of monitoring and control of coastal erosion. The technique, hydrographic and administrative management of the Coast is exclusively entrusted to the Ministry of Environment and Forestry which has the task of ensuring the rational exploitation of the coastal public domain.

### **The Key amendments.**

#### **a) .The Major amendments to the Legal provisions.**

*The following developments correspond to a consideration of the results and an analysis of the legal framework in reference to developments both in legal texts that Guineans matter of law and international practices and current industry environment; it is in this context that the new codes were prepared in 2015 and submitted to parliament for adoption.*

*Of these amendments the chapters on ecosystem approach and integrated water resources management contained in the Law of the Environment Code are notable particularly **Articles 83, 89, 91** which provide that protection and enhancement the environment must be an integral part of economic and social development plan and strategy for its implementation.*

*It is the same concept of integrated water resources management in the law on water code, which states that the integrated water resources management aims to ensure fair use, fair distribution and sustainable use of the available resource.*

*It should be stressed in this regard the provisions of the implementing legislation, facilities, structures, facilities and activities in inland waters, including transitional waters, by any natural or legal person, public or private, and catchy, as the case temporary or permanent occupation of public land or water exploitation for economic purposes.*

*This law defines integrated water resources management as a process of promoting development and coordinated management of water, land and related resources, in order to maximize equitably of the economic well-being and social those results without compromising the sustainability of vital ecosystems. The two concepts of ecosystem and integrated management approach have been taken into account in the development of fisheries management measures.*

#### **b) .The Major amendments to the institutional arrangements.**

*Innovations have been introduced at national and local, institutional innovations objective is to promote co-management with the effective participation of all stakeholders in the process of reflection and decision-making on the management of the resource*

*-Decree N°16 of 15<sup>th</sup> of January 2013 concerning the establishment and composition of the National Commission on offense boarding fishing vessels;*

*-Decree N°81 of 18<sup>th</sup> of June 2012 establishing a maritime prefecture in Republic of Guinea;*

*-Ordinance or bylaw N°942/MFA/CAB of 9<sup>th</sup> of February 2012 concerning transshipment realization modality in the maritime area of Guinea;*

*-Ordinance -Decree Law N°48/2007/ bearing the system of prior authorization for the register of industrial fishing boats in the conventional vessel register;*

*-Ordinance or bylaw N°1629/MFA/GSG of 21<sup>st</sup> of July 2009 laying operation, Positioning and Location of Fishing Vessels and Industrial Duty IT of beacon on board;*

*- Ordinance or bylaw N° 676/MFA/GSG/2006 of 2<sup>sd</sup> February 2006 concerning the regulation of artisanal fisheries in the Republic of Guinea;*

*- Ordinance or bylaw N°5316/ MPA/GSG of October 26, 2006 on Approval of the National Action Plan for the Conservation and Sustainable Management of Sharks and Rays;*

*- Ordinance or bylaw N°52/2005 of 19 September 2005 approving the industrial fishing licensing model for domestic and foreign fisheries vessels;*

*- Ordinance or bylaw N°67/2005 of 12<sup>th</sup> of December 2005 establishing a national register for national and foreign industrial fisheries vessels;*

*-Ordinance or bylaw N° 475/MFA/Cab/ May 5<sup>th</sup> 2005 bearing establishment, organization and functioning of the artisanal and industrial fishing vessels register;*

*- Ordinance or bylaw N°0369/95 /MFA/CAB of 31<sup>st</sup> of January 1995 fixing the conditions for grant of industrial fishing licenses;*

*- Ordinance or bylaw N°0600/95 /MFA/CAB of 31<sup>st</sup> of January 1995 relating to the definition of industrial fishing in the EEZ of Guinea;*

*- Ordinance or bylaw N°0602/95 /MPA /CAB of 1<sup>st</sup> of January 1995 bearing the support regulation of the practice of industrial fishing;*

*- Ordinance or bylaw N°007/93 /MAAR / CAB of 3<sup>rd</sup> of February 1994 defining and authorized types of fishing and their activity areas;*

*-Ordinance or bylaw N°0003/9 /MAAR/ CAB of 3<sup>rd</sup> of February 1994 concerning support regulatory exercising industrial fishing and advanced industrial fishing;*

*- Ordinance or bylaw N°006/95 /MAAR/CAB of 3<sup>rd</sup> of February 1994 bearing defining provisions meshes and fishing gear authorized;*

**NB:** *The principle is laid in the Water Act which provides that the State and local authorities in their respective areas of competence ensure sustainable water management in order to ensure equitable access to users. This concern also reflects other provisions of Guinean law.*

**Decree 00676/MFA/GSG/2006,Section7,Articles 15,16,17,18,19,20** *In consideration of these provisions, both based on management structures were created: development wharfs committees of marine artisanal fishing piers for maritime fisheries and rivers management committees and inland water bodies for inland fishery. The missions of these co-management structures are specified in the implementing decree.*

**Concerning marine fishing rights by national and foreigners vessels.**

**Section 2, Article 56** of Code of marine Fisheries grants the authority a fishing license to a foreign vessels on the condition that it files with the Public Treasury a bond to guarantee compliance with commitments made in the License. It is in this case, the application of a general principle of law or the precautionary principle, implicitly or explicitly included in modern legislation.

**Title 8, Chapter 1, Section 1, Article 947** the code of marine merchant requires a prior approval of the authority responsible for fisheries for any operation of ship chartering a Guinean person or entity. This is to fill a void since the maritime code providing law does not regulate the chartering of foreign vessels but just simply lists the types and charter to require that the relative contract be drawn up in writing.

**Chapter 2, Section 3, Article 85** of the code of marine fisheries for the protection of endangered species states that it is forbidden at all times and in all places to kill, maim, capture, remove or hunt marine protected and endangered species by this code, the regulations took in its application, and other national laws, and the species listed in the Convention on International trade in wild fauna and flora threatened with extinction and written on the red list of the international union for conservation of nature.

#### **Terms of the year fishing.**

**Title 4, Chapter 1, Section 17, Articles 122, 123** of the code of marine fishing establish the principle of the prohibition of transfer, for the sake of facilitating the control, supervision and monitoring of the management of resources. However, given the frequency of transshipment operations of fishery products for the benefit of collection vessels (as defined in the law), this has been an exception.

**Ordinance N°942/MPA/CAB of 9<sup>th</sup> of February 2012** bearing the code of marine fishing with modality **Title 4, Chapter 1, Section 17, Article 124** This code allows the transfer condition by the presence of monitoring agents that oversee the terms, conditions and costs of this operation are determined by regulations.

**Title 4, Chapter 1, Section 4**, the code of maritime fishing in these **Articles 86 and 87** relating to the fishing area state that fishing areas are defined by regulatory channels. Moreover, any action or attempt of action of fishing in a closed area is a very serious offense under **Article 239** of the Code.

Subject areas prohibited under management measures and fisheries management as well as the areas of safety and navigation in accordance with current legislation, the marine artisanal fishing activities is practiced without restriction area.

**Title 4, Chapter 2, Section 1**, code of marine fishing on the request for entry permission to the port for foreign vessels authorized to fish in Guinea's maritime area in its **Article 131** states except in cases of force majeure or distress any ship-owner or agent , or captain of industrial fishing foreign vessel wishing to access a Guinean port or services for the purpose, including repair, refueling, conduct landing operations and or products transshipment fisheries must submit an access permit from the port to the competent authority designated by regulatory means. This request must be made 72 hours before the estimated time of arrival and must contain the particulars of the vessel, its access Subject to the port and the purposes of the call including other useful information.

**Article 132** refusal of entry to port is issued when the fishing vessel is on a (IUU fishing vessels) file, or if the documents and information accompanying the authorization request is incomplete or inaccurate.

**Title 6, Chapter 1, Section 1, Article 159** of the code of marine fishing on the supervision and control of fisheries operations in the Guinean EEZ service **Article 163** and to **Article 166** monitoring agent.

**Article 79** .In the concern for sustainable co-management of fisheries resources, representatives of artisanal fishing sector must be involved at different levels in the oversight to ensure compliance with certain aspects of the regulation in the matter.

#### **Penal provisions.**

## **Offenses and Sanctions.**

*Consequently, the article has been amended and now provides that violations of this law constitute offenses and that, therefore, the public action limitation period is three (2) years from the date of finding of infringement. Regarding these texts, the law recommended that offenses and penalties relating thereto are reviewed and graded by category and according to the seriousness of putting them in a consistency that takes into account the seriousness of the facts in line with the penalties especially in the fight against IUU fishing.*

## **Paragraph II: Description and analysis of regulatory documents at national, regional, sub regional and international for Fisheries and Aquaculture.**

*The following developments are mainly based on the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU). In this regard these developments revolve on the respective provisions related to the principles listed below:*

- (i) The responsibility of the port State;*
- (ii) The responsibility of the flag state; and*
- (iii) The responsibility of coastal States.*

**Section 7, Article 97, Paragraphs 1 and 2, Article 95** prescribed for fishing vessels of masters and marine fishing vessels authorized to operate in the ZEE of Guinea to transmit to the administration for fisheries and the maritime prefecture certain information including those relating to the positioning of fishing vessels.

*This requirement provides a logbook in which are mentioned dates and fishing areas and taking or transfer.*

*Indeed, under international law, the flag state must know where its vessels are, if at any time, at least at regular and frequent intervals, for example every week. Conventional tools for locating ships, including the mandatory notification of its position by radio and mandatory maintenance of a logbook in which the position of the vessel shall be recorded frequently. It should be noted that the acceptance*

of this obligation by those operating the vessel could be a condition of the issuance of the authorization or fishing license.

To mitigate the failure of ship operators to provide such information, the code provides for the possibility of taking scientific observers or inspectors. The role of observers can thus to control the position of ships and observe fishing operators. These different legal means are complemented by the ability of the state to patrol areas where fishing vessels flying its flag.

Given the weakness of the legal and institutional framework of Monitoring, Control and Surveillance of fishing in Guinea, and the recommendations of the EU, it was urgent to develop and adopt the texts and ensure strict enforcement.

As for the registration of ships and fishing boats, only the registration of ships and marine artisanal fishing boats (canoes) is provided by the provisions on the code of maritime fishing.

The obligation to register has been extended to inland fishing boats under the code of inland fisheries that puts the responsibility of the Inland National Office, holding a registration file of these boats.

The International Action Plan against IUU calls on States to take such measures that they must attach the following conditions:

\* For fishing vessels, must before at the registration, which the administration informs, by all means, on the history of the activity of the vessel, its owner and its captain.

\* Cooperation / Collaboration between the Marine Fisheries Department, the FPMNC and National Agency of Maritime Navigation are highly necessary for that purpose.

\* For small fishing boats, it should set up a database to track the activity of maritime and inland vessels. Their registration must include the use of the owner's photo to prevent tampering and indicate the fishing area or the home port.

\* The principle of responsibility of the flag State, it must exercise control over the activities of its flag vessels, including support vessels. This control will be exercised also on marine and inland vessels once the registration completed, collected information is recorded in a register of fishing vessels register of fishing vessels.

Regarding the authorization to fishing, two (2) situations are envisaged by the International Action Plan -IUU:

**1-** The granting of fishing licenses or permits to vessels and boats that meet the conditions set by the code of marine fishing. This is in accordance with **paragraph 46 of the IAP-IUU** on the regulation of access to fisheries resources.

**2-**Relative to vessels operating on the high seas of the Code requires that they shall be provided with a special permit. Indeed, according to **measure 39 of the International Action Plan of IUU**, the flag State shall issue special permission to ships registered in its territory and entered in its register of fishing vessels. The specific conditions attached to this authorization include species which can be captured, the gear that can be used and the places and times when these ships may engage in fishing operations.

In terms of control by the port State, under **Articles 52 to 64 of IAP-IUU**, port States are encouraged to put in place a rigorous monitoring system and effective, particularly at the location of unauthorized foreign vessels to fish in their waters. Access to the port must be guaranteed without discrimination and fairly, according to the rules of international law. However, access to the port State must be made in respect of its rights and sovereignty in accordance with its national laws and **the provisions of Article 25.2** of the UN Convention on the Law of the sea 1982 and the texts relating thereto.

In this regard, **Article 46** of the Code requires, now, the captains of foreign fishing vessels not authorized to fish in the territorial sea under jurisdiction of Guinea, but that are in these waters, declare

the movements of their vessels and transported catches. Welcoming industrial fishing vessels must be done at ports of Conakry and Kamsar or. In principle, all ships, regardless of their flag must undergo the usual controls to the port of Conakry.

According to the regulations in force, ships are required to notify the harbor master of Conakry (72) hours in advance and confirm 48 hours before entering the port. Any time the complicity of certain administrative authorities several vessels escape this obligation.

Check for port state does not apply to boats of marine and inland artisanal fisheries. These are not yet subject to an obligation to report the output or input in the various ports they land their catches freely.

**NB:** It should be remembered that, like the control of the flag State, the State control of the port when it is applied rigorously, can prevent or combat illegal, unreported and regulated.

According to **Article 232** of the Code and in accordance with **Article 73** of the United Nations Convention on the Law of the Sea (UNCLOS), Guinea in sovereigns to exercise of its rights for exploitation and management of biological marine resources may take all necessary measures to ensure compliance with the fisheries and aquaculture codes including regulations made thereunder.

### **Right to pursue.**

In recent years, IUU fishing was a real fact in the territorial sea under the jurisdiction of Guinea. Indeed, regularly observed by foreign vessels incursions or pirate ships in EEZ and the high seas with the complicity of certain corrupt authorities. These unauthorized vessels to fish in Guinea owned or working under the banner of certain Guinean traders cooperating with illegal Asian companies or they come from neighboring countries. They practice an illegal and easily escape any form of punishment. This is due not only to the limited means of monitoring but also the lack of a monitoring system, control and effective monitoring. But another justification for this situation is the lack of implementation of the right and action recognized by international law and in particular the United Nations Convention on the Law of the Sea rectified by Guinea.

### **Sanctions.**

**Article 21** of the IAP-IUU encourages states to have a grid of sufficiently dissuasive sanctions to combat IUU fishing.

In this regard, the Code of Marine Fisheries lays down the principle of breaches of the laws and regulations relating to fishing and specifies penalties attached to them.

In the code of fishing, provides the establishment of an advisory committee **Section 2, Articles 21, 22** Code of marine fishing on fishing offenses. The purpose of this committee is to advise on the transaction records and the amount of security provided by the Code.

Knowing that in the context of sub-regional cooperation, regional and international, Guinea can make a referral to the International Tribunal for the Law of the Sea for an advisory opinion through the sub regional fisheries commission **Section 5 Article 231** of the Code of marine fishing.

With the exception of the normative system relating to sanitary control of fish products, the legal framework of the Guinean fisheries sub-sector was notably for its complexity and the age before of the national legislative and regulatory instrument, as well as lack of recognition for or non-compliance with recent international developments.

### **The Guinean fisheries legislation.**

The scope of the legal instrument concerned:

- (i) Marine fisheries;

(ii) Inland fisheries;

(iii) Aquaculture;

Health control and quality of fishery products, vessels and processing units or the conservation of fishery products.

This instrument currently governing the fisheries sector in Guinea covers two main areas namely:

1- The management and exploitation of marine and inland fisheries resources;

2- The health control of fish products.

Related regulations also complete the legal framework governing the sector of fisheries and aquaculture as the texts relating to the code of merchant marine, the code of environment, the code of rural land, the code of public Health, the code of investment, the code of Water and the code of Mining.

### **Management and exploitation of marine fisheries resources.**

**Article 41 of the Law N°026/2015 /NA** regarding code of marine fisheries in Guinea, states that a boat or vessel while admitted to practice industrial fishing from ports of Conakry and Kamsar is required to have a fishing license, be provided with a navigation permit valid for the current year and must be under the age of seven (7) years.

Violations are subject to administrative sanctions and criminal penalties; both levels of sanctions that may be joint or several.

**Article 82** of the Marine Fisheries Code banned trawling in general and the practice of any fishing using towed gears within the territorial sea of Guinea.

Under **Section 3, Articles 148, 149** of the Code of Marine Fisheries regulates the fishmonger profession in Guinea, No person may exercise the profession of wholesale trader (wholesaler and semi-wholesale fish and other fishery products, if he is not a member of the Corporation and holds a professional license issued by the Ministries of Fisheries Aquaculture and Maritime Economy and Trade. To exercise the profession of fish wholesale trader and fishery products a person must fulfill, in addition to general obligations specific to all traders, the specific conditions provided by law (possession of a compliant local and equipment holder professional card, submission to the control). The professional card is not transferable and is valid only for one year.

In this profession, no shipping senior fisheries products to a net weight of 25 kg may be made from the port, airport or other landing place by a non-owner of the business card person wholesale trader.

Under **Title 4, Chapter 1, Articles 81 and 82**, the use in fishing of any drug, substance, grass, fruit, root, leaf or bark intended to kill, asleep or drunk fish and the use of firearms or explosives is prohibited in the maritime waters of Guinea. The spill in the waters of these substances is prohibited, even if it is not done in order to catch fish.

Pursuant to **Decree N°32 MFA/Cab/7/July/1994** applying royalties control and monitoring products and fishery facilities, control fees, and monitoring products and fishery facilities comprise (a) specific charges due on the occasion of the presentation of the quality control of fishery products, (b) health royalties on the products presented to the control according to the number of visits or inspections carried out during the inspection (c) accreditation fees payable to the renewal or granting of approvals, (d) operating permit fees refrigerated warehouses, cold stores or fishing vessels and ( v) charges of expertise.

**Chapter 1, Section 1, Article 45** of Marine Fisheries code Regulations concerning the minimum sizes and weights of marine and inland fishery resources caught by categories to be landed for local consumption, industrial processing and exportation.

To complete this part, the method was as follows:

1. Listing of the main species caught in the marine environment based on work conducted by NFRCB;
2. Search the available literature (studies and research) size at first maturity of the main species it turned out that in fact it has mostly some information on species inhabiting inland water bodies in particular by reference to the thesis of A. Badahoui (2010), mentioned above;
3. When the information was not available, it was made a comparative analysis of existing measures in other regulations of the West African's countries as a) Ghana: Fisheries Regulations, 2010 (LI 1968) ,reference priority given the close ecological b) Senegal Decree N° 98-498 of 10<sup>th</sup> of June 1998 laying down detailed rules of the law code of sea fishing c) Mauritania: Decree N°2002-073 -01<sup>st</sup> of October 2002 General Regulations of the Law N° 2000-025 of 24<sup>th</sup> of January 2000 on fisheries code.

Thus, the following measures have been proposed. Parenthetically mentioned the measures in force in other countries a) Ghana b) Senegal, c) Mauritania.

#### **Pelagic fish:**

- \* *Sphyraeana* spp. (barracuda): 30 cm (a).
- \* *Scomber* (mackerel): 20 cm (18 cm a), b 12 cm) 25 cm c)).
- \* *Sardinella* spp. (sardine) 18 cm (8 cm), 12 cm b) 16-18 cm c)).

#### **Demersal fish:**

- \* *Pomadasys* spp. (black bream): 16 cm (14-18 cm depending on species)).
- \* *Sparus* spp. (seabream): 20 cm (18 cm a), 20 cm c)).
- \* *Dentex* spp. (toothed): 20 cm (22 cm a), 15 cm c)).
- \* *Lutjanus* spp. (red carp): 16 cm (a)).
- \* *Pagellus bellottii* (pageot red point): 15 cm (14 cm a), 19 cm c))

#### **Fish from inland fisheries:**

- \* *Oreochromis niloticus* (carp): 13 cm (Badahoui).
- \* *Lates niloticus* (captain): 24 cm (Badahoui)

#### **Tunas:**

- \* *Thunnus obesus* (bigeye): 55 cm (a)).
- \* *Thunnus albacares* (yellowfin): 55 cm (a))

#### **Shrimp:**

- \* *Penaeus vanamei* (white shrimp.): 150 individuals / kg (Senegalese legislation which provides 200 individuals / kg is subject to much controversy of a bio-economic point of view and cannot be used as a model).

According to **Ordinance or bylaw N°24/MFA/27/March/2002** concerning the conditions for granting

approval and authorization to establishments on land, ships and isothermal facilities for fishery products, the issuance of approval or the authorization is subject to the payment of royalties. The validity of the authorization of fishing vessels and factory ships is one (1) year. Its renewal is subject to the formulation of a request by the technical and health inspection.

**Title 3, Section 5, Articles 64, 67** of the Marine Fisheries Code establishing the conditions for the exercise of fishing in the Guinean's territorial sea prohibits the use of towed gears within 5 nautical miles.

**Section 7, Article 94** of the Marine Fisheries Code concerning definition of fishing effort and its operating conditions in the fixed Guinean territorial sea fishing effort in trawls 4000 HP engine power to be shared between the boats of less than or equal to 18 meters length (exceptionally up to 25 meters) and less engine power of 325 HP. This effort may be revised if the following conditions are found: overpopulation of aquatic fauna territorial sea; overexploitation of marine resources. Selling in a Guinean port of all the fish caught is mandatory.

**Section 5, Articles 37, 38, 39, and 88 of maritime fishing code** laying down the conditions and registration procedures canoes and trawlers in Guinea provides that the **FPMNC** is the authority responsible for the registration of canoes and fishing vessels for trawlers.

According to **Chapter 1, Section 1, Articles 11 and 12** of the Code of Merchant Marine regulating control of navigation in the marine area of Guinea, shipping is free in the territorial sea of Guinea for the domestic and foreign merchant vessels, while foreign fishing vessels are entitled to freedom of movement, provided that these ships comply with national rules.

#### **Health control of fisheries products.**

In this case the Ministry of Fisheries and Aquaculture in addition to the provisions of the Code of marine fishing also reflects the Public Health Code in its **Chapter 2, Section 5, Article 82** including various clauses relating Code public health control food prohibited to market, food that is known corrupt, poisonous or not having the microbiological quality criteria or hygienic set. The scope of the law covers including all operations that involve the growing, harvesting, picking, fishing, slaughtering, manufacturing, processing or packaging of a commodity including storage in during production and before the first marketing.

**Articles 152 and 153 of the Code of sea fishing** on the quality assurance of Fisheries and Aquaculture products, implementing legislation for the control of food from fish origin is contained in the Decree on creating the organization and functioning of the (**NOSFAP**) is the authority in charge of quality assurance and quality control of fishery products. It has a sanitary inspectorate. Fishery products and coating materials are imported must be accompanied by a health certificate or health and a certificate of origin issued by the country of origin of the product.

**Chapter 1, Sections 1 and 2, Articles 145, 146, 147:** of the fisheries code The same establishes a maritime monitoring of fishery products and aquaculture and marketing requirements for these products in accordance with EU standards. The following are subject to mandatory control, (i) any fishing vessel permitted to land his fish product in Guinea, (ii) any institution of preservation, sales or products processing fishing installed on the national territory and (iii) any fishery product, whether fresh, frozen, refrigerated, salted, dried, smoked or in the form of tinned cans or other containers or not subject to a sterilization process, whether stored on a fishing vessel, grounded or transshipped in territorial sea, whether for consumption or a treatment facility or storage.

**Paragraph:** bearing for parasites in fishery products and aquaculture lays down rules relating to visual inspections to detect parasites in fishery products. The control gate on a representative number of samples. According to this text, visual inspection of eviscerated fish is carried out by qualified persons and covers the abdominal cavity, livers, and roes intended for human consumption. The visual inspection of fish fillets or fish slices is performed by qualified persons during trimming and after filleting or slicing.

**Paragraph:** Setting rules of organization, quality control procedures, safety and traceability of fishery products is to clarify the operational criteria of control of fishery products, including procedures, organizational arrangements, conduct inspections, sampling, analysis and certification of such products as

well as quality assurance measures in all places of manipulation. It establishes the separation of fisheries products control functions of the police fisheries and promotion of the sector. Following this order, the traceability of fish products, any incorporated material or expected to be incorporated, any material intended to come into contact with these products should be established at all stages of production, processing, storage and export.

**Paragraph:** with export requirements, import and distribution of fish products in Guinea. Exports of fishery products are subject with obtaining a registration of facilities and / or suitable devices to be provided to keep these foods in the requirements temperature. Official controls on imported products include at least a systematic documentary check, a random identity check and, where appropriate, a physical check of the products. The observance of good storage practices is mandatory during transport, distribution and storage of fishery products.

**Paragraph:** In accordance with definition of hygiene conditions on board fishing vessels and factory vessels, hygiene on vessels specifically target parts of ships, vessels, processing equipment and other equipment to come into contact with fishery products. They must be smooth and easy to clean and disinfect. Fisheries products, as they are taken on board, must be quickly removed from the sun or other heat source. They must be handled and stored with care. The preservation by freezing is mandatory for ships engaged tides of over twenty-four hours and ;

With definition of onboard sanitation fishing canoes specifies that the inner walls of the vessel and the materials to come into contact with fishery products must be smooth and easy to clean and disinfect. They should also be kept in good maintenance and ownership. Ice used to chill fishery products must be made with straw and drinking water. During unloading and landing, contamination of fishery products must be avoided.

**Paragraph** carrying the water quality in onshore facilities for the processing of fishery products, the water used in onshore facilities for the development of fishery products and the safety of staff and workplaces must be clean; and

On materials and articles intended to come into contact with foodstuffs of fish origin recalls that all materials and articles intended to come into contact directly or indirectly with food must be sufficiently inert not to yield to such foodstuffs constituents in quantities which could endanger human health, bring about an unacceptable change in the composition of food or alter their organoleptic characteristics.

**Paragraph** precise maximum levels of pesticide molecules organ halogen and other substances in the fixed fishery products maximum levels of organochlorines, organophosphates and similar permitted in fish products.

**Paragraph** list of carrying cleaning and disinfecting products allowed in establishments on land, ships and facilities insulated fish products lists the cleaning and disinfection products (detergent, bactericidal, fungicidal, virucidal, sporicidal ) allowed in establishments on land, ships and facilities insulated fish products.

**Paragraph** with verification of good practices Laboratory analyzes of fisheries products respect to the mode of organization and planning requirements, implementation, recording and dissemination of the results of laboratory tests on fishery products, water, ice and other additive and ingredient in the development of fishery products. The Minister of Fisheries and Aquaculture is developing a multidisciplinary team for verification analyzes conducted to assess compliance with good laboratory practice.

**Paragraph** fixing the chemicals limit values such that: in total volatile basic nitrogen, trimethylamine, histamine lead, mercury and cadmium in products that are precise fish considered unfit for human consumption, fish products whose organoleptic analysis reveals a lack of freshness and whose microbiological testing indicates levels of TVB-N, histamine and trimethylamine to exceed the standards set in this alienated.

**Paragraph** bearing definition additives allowed in the processing of fish products applies to additives other than colors, sweeteners and flour treatment agents. These additives may be anti-oxygen, acidifiers, acidity

regulators, anti-caking agents, gelling agents, humectant, stabilizers, etc.

**Paragraph** carrying definition of hygiene in establishments on land states that land establishments must have sufficient dimensions of workplaces, so that business activities are conducted under the required conditions. These places are located and fitted so as to avoid any heating, product contamination or pollution from the outside. The clean area must be clearly separated from the stained area. These institutions must use insulated vehicles for the transport of fishery products. Product handling operations, freezing, thawing fish products, salting, smoking, cooking crustaceans and mollusks, packaging must comply with the international regulations.

**Paragraph** carrying health inspection in establishments on land recommends following the logic model approach Hazard Analysis Critical Control Point (HACCP). Any establishment on land must have a multidisciplinary team including a specialist competent Quality Assurance, a product of the manufacturing process considered specialist, a technician with a working knowledge of the functioning and hygiene equipment and materials used to manufacture the product and a specialist in microbiology issues, hygiene and food technology. If necessary, the institution relies on outside expertise.

**Chapter 3, Articles 155, 156, 157.158** of the Code of marine fishing with control and certification of the legality of products from marine fisheries in Guinea; This is the prohibition of fishery products from IUU fishing, certification of the legality of the catch and finally collects information on reporting catches of the vessels flying the Guinean flag of which the product is intended to export.

### **Management and exploitation of inland fishery resources.**

**Title I, Chapter 3, Articles 4, 25, 26, 27 and 33** from the **Law N°027/2015/NA** regarding the code of inland fishing on the general regulation of fishing in the inland waters of Guinea list of inland waters of Guinea and the law **L/94/005/CTRN of 15/02/1994** with federal land code and **Article 26**: Rivers, streams, ponds, marshes and canals. The state has the right to fish in waters that are part of its private property or public domain. The exercise of this right to fish, however, is granted to persons or communities customarily fishing in these waters, provided they are in possession of administrative permission recognizing this right, if the fisherman operates free walk free or for consideration if a canoe accompanied the fisherman.

Fishing in territorial waters is reserved for Guinean vessels and, subject to reciprocity, to vessels from other neighboring states or certain categories of them that comply with Guinean laws and on payment of royalties **Article 36** of the Code inland fishery.

**Chapter 5, Article 39** of the Code of inland fishery as use of any drug fishing means, substance, grass, fruit, root, leaf or bark intended to kill, asleep or drunk fish and the use of weapons firearms or explosives is prohibited. The spill in natural or artificial waters of these substances is prohibited, even if it is not done in order to catch fish.

Under **Chapter 2, Article 54** of the Code of inland fisheries it is also prohibited to block natural waterways, with tablecloth nets attached to the shore or on the bottom, on more than two thirds of the width wet these waters, unless otherwise actions of special orders. The use of purse seines is however allowed in rivers, open and full or partial fishing closure dates are set by decision of the Minister of fisheries or by decision of the District Administrative Manager acting by express delegation by the Minister of Fisheries and Aquaculture.

**Chapter 12, Article 25** of the Code of inland fisheries with the water management. The actions that harm the ecosystem balance or affect their biodiversity, are regulated and, where appropriate, prohibited by the law. This applies in particular uses of water resulting in a change of their regime, spreading for any purpose whatsoever chemicals and particularly of agricultural pesticides, effluent discharges or toxic substances, discharge or flow wastewater and depositing of refuse or domestic or industrial waste.

The structures built in the river bed must maintain a minimum flow ensuring the needs of users and aquatic life downstream of the structure. When implanted into waterways frequented by migratory fish, they must also be equipped with crossing devices. In transitional water protection areas may be delimited.

*Inland fishing boats are required to obtain a license and therefore can register on the file held by the competent authority.*

**Chapter 7, Article 11** on the Code of inland fishing on participatory resource management approach provides that the competent authority responsible for implementing the government's policy on inland fisheries shall take all appropriate measures to promote consultation and participation of local communities, professional organizations in the field when defining the development's policy.

**Chapter 9, Article 14** of the Code of inland fishery for international cooperation stipulates that Guinea cooperates sub regional and regional level with other countries in inland fishing. This cooperation includes:

\* Sustainable management of freshwater resources;

\* Harmonization of rules of access and exploitation of these resources;

\* The establishment of mechanisms for prevention and settlement of conflicts between riverside populations over the border of water;

\* Harmonization of rules for monitoring, control and security;

\* The harmonization of methods to collecting statistical data and creating a database.

#### **Fish farming or aquaculture.**

*The amendments in this regard relate to aspects related to capacity building of various stakeholders, access to land, and organization of capacities building, especially regarding the quality of fry, the food and service providers' service. With respect to the issue of access to land, it should be recalled the relevant provisions of the law on rural land tenure in Guinea.*

#### **The related Regulations.**

**Ordinance N°06/92/019 of 30<sup>th</sup> of March 1992** concerning the code of rural landed and the Law **L/94/005/TCNR of 15<sup>th</sup> of February 1994, Article 26** of the code of water bearing regime. This provision stipulates that use of public waters and access to them are subject to public property regime. Thus the right to fish in all public waters, natural or artificial, furnished or not, belongs to the state. However, natural or legal, public or private persons can enjoy this right, whether by permit or by concession. The local people retain as for them their traditional rights of exploitation of fisheries resources. These rights are exclusively transmitted by inheritance, and are not subject to any transaction.

**Law L/N°2015/028/NA/1<sup>st</sup> of September 2015** bearing the code of aquaculture and **Chapter 10, Section 1, Article 15** of the Code of inland fisheries define fishery facilities and distinguishes those carried out on plans and waterways to organize individual or collective exercise of fishing and aquaculture for those purposes (fish farming) individual or artisanal kind involving infrastructure and equipment suitable for the intensive farming of fish and other fishery resources.

*The fish farms management of more than one (1) hectare should be performed under the control of the Minister responsible for fisheries through the technical service is the Fish culture National Office and according to the rules laid down by regulation.*

**Law L 95/23/TCNR, Chapter 1, Section 1, Article 5 of 12/06/1995** on the code of the merchant marine, which states that the territorial sea extend to a distance of twelve nautical miles from the leaves of the low tide. For gulfs, bays or estuaries, decrees set as needed, the line from which the distance is counted. This text defines sea fishing as any capture by appropriate means of any animal living in the sea or in the maritime part of the rivers. Navigating fishing involves three areas: inshore, offshore and deep sea fishing. It is forbidden to use for fishing or dynamite or any other explosive or substance or bait that can intoxicate or destroy fish and shellfish.

**Chapter 3, Section 1, Article 266** of the Code of merchant marine of **12/06/1995** on the general status of seafarer's .This sets the text for labor relations, workstations, general principles defining the rights and obligations, remuneration, discipline on board, promotion and social protection of aircrew and the military status of the marine.

**Chapter 1, Section 1, Article 3 Paragraph 2 of 12/06/1995** on the Code of marine merchant in Guinea, regulating navigation to fishing, which relates to the exploitation of fishery resources of the sea, which includes four **(4)** areas:

\* **Navigating by canoe or artisanal fisheries.** Navigation granted to canoe or artisanal fishing, boating done by motorized boats or canoes or unpowered in the area extending along the coasts to a distance of five (5) nautical miles from the baseline;

\* **Navigating the inshore.** Navigation is granted to coastal fisheries, navigation carried out by the fishing vessels in the zone extending beyond the navigation area to artisanal and adjacent thereto, for a distance of twenty (20) nautical miles from the baseline;

\* **Navigating fishing offshore.** Navigation is granted to fishing off the navigation carried out by fishing vessels other than canoes or motorized or non-motorized boats in the area extending beyond the navigation area to the coastal and adjacent one, up to a distance of two hundred (200) nautical miles from the baseline or beyond national maritime boundaries;

\* **Navigation to deep sea fishing.** Navigation is granted to fishing vessels other than canoes or motorized boats in the area extending beyond the navigation area to the fishing off.

At the end of this text, the national companies are free to fish in the exclusive economic zone (EEZ).

**Chapter 1, Section 1, Items 307 326, 324 338** of the Code of the Merchant Navy stipulate That all vessels flying the flag and canoes must be Entered On the Ship Registry open nearby FPMNC services. The registration of fishing vessels and canoes gives rise to the collection of a fee of which the amount is set by regulation. Unlike ships that are required to display permanent markings a permanent external reporting that can identify the canoes are not held to the duty of marking, or the penalty for possession of a Maritime title or to perform the so-called guinéisation procedure. It is important to remember that guinéisation is the administrative formality that gives the ships the right to fly display by the Guinean flag with the privileges attached thereto. This administrative process is proven by the certificate issued by the competent authority.

**Chapter 1, Section 1, Articles 338 307.326** code of shipping; All vessels must have a safety certificate or exemption certificate and a logbook, and initialed by the Director of FPMNC. It is prohibited for any vessel crossing or staying in the maritime areas under the jurisdiction of Guinea to commit an act of pollution such as rejection, incineration or immersion.

The law regulates the bareboat charter which comprises for a time defined a specific vessel without crew and equipment without weapons, or with more or less complete armament equipment, available to a charterer who operates itself similarly, against payment of rent.

In the case of bareboat charter, the charterer is obliged to deliver to the charterer at the time and place agreed, a seaworthy suitable for fishing planned.

**Ordinance N° 045/PRG/87 and 022/PRG/89, Chapter 2, Articles 72, 73** bearing the code of environment by virtue of this text, no occupation, operation, construction or establishment may constitute a nuisance of any kind whatsoever may be made or carried on the shore of the sea and throughout the maritime public domain without authorization from the Ministry for the environment. The authorization is granted only after technical opinion of the National Direction of Environment must report on the impact assessment produced by the client.

**Title 3, Chapter 1, Articles 170 171 172** of the code of Shipping on the MARPOL convention, includes provisions to prevent and control water pollution from ships, river facilities and the listed facilities.

**Ordinance N° 045/PRG/87 and N°022/PRG/89, Chapter 3, Articles 83, 89, 91** regarding the code of environment state the definition of coastal management responsibilities. This text has implications for the fisheries sector. Coastal management is meant by regular monitoring measures, the morphological evolution of the coasts, programming of actions necessary for their protection, rational use of coastal space. The text creates a fund whose resources will be used to finance the maintenance of protection works of the coast and the work of monitoring and control of coastal erosion. The technique, hydrographic and administrative management of the Coast is exclusively entrusted to the Ministry of Environment and Forestry which has the task of ensuring the rational exploitation of the coastal public domain.

### **The Key amendments.**

#### **a) .The Major amendments to the Legal provisions.**

The following developments correspond to a consideration of the results and an analysis of the legal framework in reference to developments both in legal texts that Guineans matter of law and international practices and current industry environment; it is in this context that the new codes were prepared in 2015 and submitted to parliament for adoption.

Of these amendments the chapters on ecosystem approach and integrated water resources management contained in the Law of the Environment Code are notable particularly **Articles 83, 89, 91** which provide that protection and enhancement the environment must be an integral part of economic and social development plan and strategy for its implementation.

It is the same concept of integrated water resources management in the law on water code, which states that the integrated water resources management aims to ensure fair use, fair distribution and sustainable use of the available resource.

It should be stressed in this regard the provisions of the implementing legislation, facilities, structures, facilities and activities in inland waters, including transitional waters, by any natural or legal person, public or private, and catchy, as the case temporary or permanent occupation of public land or water exploitation for economic purposes.

This law defines integrated water resources management as a process of promoting development and coordinated management of water, land and related resources, in order to maximize equitably of the economic well-being and social those results without compromising the sustainability of vital ecosystems. The two concepts of ecosystem and integrated management approach have been taken into account in the development of fisheries management measures.

#### **b) .The Major amendments to the institutional arrangements.**

Innovations have been introduced at national and local, institutional innovations objective is to promote co-management with the effective participation of all stakeholders in the process of reflection and decision-making on the management of the resource

-Decree N°16 of 15<sup>th</sup> of January 2013 concerning the establishment and composition of the National Commission on offense boarding fishing vessels;

-Decree N°81 of 18<sup>th</sup> of June 2012 establishing a maritime prefecture in Republic of Guinea;

-Ordinance or bylaw N°942/MFA/CAB of 9<sup>th</sup> of February 2012 concerning transshipment realization modality in the maritime area of Guinea;

-Ordinance -Decree Law N°48/2007/ bearing the system of prior authorization for the register of industrial fishing boats in the conventional vessel register;

-Ordinance or bylaw N°1629/MFA/GSG of 21<sup>st</sup> of July 2009 laying operation, Positioning and Location of Fishing Vessels and Industrial Duty IT of beacon on board;

- Ordinance or bylaw N° 676/MFA/GSG/2006 of 2<sup>nd</sup> February 2006 concerning the regulation of artisanal fisheries in the Republic of Guinea;
- Ordinance or bylaw N°5316/ MPA/GSG of October 26, 2006 on Approval of the National Action Plan for the Conservation and Sustainable Management of Sharks and Rays;
- Ordinance or bylaw N°52/2005 of 19 September 2005 approving the industrial fishing licensing model for domestic and foreign fisheries vessels;
- Ordinance or bylaw N°67/2005 of 12<sup>th</sup> of December 2005 establishing a national register for national and foreign industrial fisheries vessels;
- Ordinance or bylaw N° 475/MFA/Cab/ May 5<sup>th</sup> 2005 bearing establishment, organization and functioning of the artisanal and industrial fishing vessels register;
- Ordinance or bylaw N°0369/95 /MFA/CAB of 31<sup>st</sup> of January 1995 fixing the conditions for grant of industrial fishing licenses;
- Ordinance or bylaw N°0600/95 /MFA/CAB of 31<sup>st</sup> of January 1995 relating to the definition of industrial fishing in the EEZ of Guinea;
- Ordinance or bylaw N°0602/95 /MPA /CAB of 1<sup>st</sup> of January 1995 bearing the support regulation of the practice of industrial fishing;
- Ordinance or bylaw N°007/93 /MAAR / CAB of 3<sup>rd</sup> of February 1994 defining and authorized types of fishing and their activity areas;
- Ordinance or bylaw N°0003/9 /MAAR/ CAB of 3<sup>rd</sup> of February 1994 concerning support regulatory exercising industrial fishing and advanced industrial fishing;
- Ordinance or bylaw N°006/95 /MAAR/CAB of 3<sup>rd</sup> of February 1994 bearing defining provisions meshes and fishing gear authorized;

**NB:** The principle is laid in the Water Act which provides that the State and local authorities in their respective areas of competence ensure sustainable water management in order to ensure equitable access to users. This concern also reflects other provisions of Guinean law. **Decree 00676/MFA/GSG/2006, Section 7, Articles 15, 16, 17, 18, 19, 20** In consideration of these provisions, both based on management structures were created: development wharfs committees of marine artisanal fishing piers for maritime fisheries and rivers management committees and inland water bodies for inland fishery. The missions of these co-management structures are specified in the implementing decree.

#### **Concerning marine fishing rights by national and foreigners vessels.**

**Section 2, Article 56** of Code of marine Fisheries grants the authority a fishing license to a foreign vessels on the condition that it files with the Public Treasury a bond to guarantee compliance with commitments made in the License. It is in this case, the application of a general principle of law or the precautionary principle, implicitly or explicitly included in modern legislation.

**Title 8, Chapter 1, Section 1, Article 947** the code of marine merchant requires a prior approval of the authority responsible for fisheries for any operation of ship chartering a Guinean person or entity. This is to fill a void since the maritime code providing law does not regulate the chartering of foreign vessels but just simply lists the types and charter to require that the relative contract be drawn up in writing.

**Chapter 2, Section 3, Article 85** of the code of marine fisheries for the protection of endangered species states that it is forbidden at all times and in all places to kill, maim, capture, remove or hunt marine protected and endangered species by this code, the regulations took in its application, and other national laws, and the species listed in the Convention on International trade in wild fauna and flora threatened

with extinction and written on the red list of the international union for conservation of nature.

### **Terms of the year fishing.**

**Title 4, Chapter 1, Section 17, Articles 122, 123** of the code of marine fishing establish the principle of the prohibition of transfer, for the sake of facilitating the control, supervision and monitoring of the management of resources. However, given the frequency of transshipment operations of fishery products for the benefit of collection vessels (as defined in the law), this has been an exception.

**Ordinance N°942/MPA/CAB of 9<sup>th</sup> of February 2012** bearing the code of marine fishing with modality **Title 4, Chapter 1, Section 17, Article 124** This code allows the transfer condition by the presence of monitoring agents that oversee the terms, conditions and costs of this operation are determined by regulations.

**Title 4, Chapter 1, Section 4**, the code of maritime fishing in these **Articles 86 and 87** relating to the fishing area state that fishing areas are defined by regulatory channels. Moreover, any action or attempt of action of fishing in a closed area is a very serious offense under **Article 239** of the Code.

Subject areas prohibited under management measures and fisheries management as well as the areas of safety and navigation in accordance with current legislation, the marine artisanal fishing activities is practiced without restriction area.

**Title 4, Chapter 2, Section 1**, code of marine fishing on the request for entry permission to the port for foreign vessels authorized to fish in Guinea's maritime area in its **Article 131** states except in cases of force majeure or distress any ship-owner or agent, or captain of industrial fishing foreign vessel wishing to access a Guinean port or services for the purpose, including repair, refueling, conduct landing operations and or products transshipment fisheries must submit an access permit from the port to the competent authority designated by regulatory means. This request must be made 72 hours before the estimated time of arrival and must contain the particulars of the vessel, its access Subject to the port and the purposes of the call including other useful information.

**Article 132** refusal of entry to port is issued when the fishing vessel is on a (IUU fishing vessels) file, or if the documents and information accompanying the authorization request is incomplete or inaccurate.

**Title 6, Chapter 1, Section 1, Article 159** of the code of marine fishing on the supervision and control of fisheries operations in the Guinean EEZ service **Article 163** and to **Article 166** monitoring agent.

**Article 79** .In the concern for sustainable co-management of fisheries resources, representatives of artisanal fishing sector must be involved at different levels in the oversight to ensure compliance with certain aspects of the regulation in the matter.

### **Penal provisions.**

#### **Offenses and Sanctions.**

Consequently, the article has been amended and now provides that violations of this law constitute offenses and that, therefore, the public action limitation period is three (2) years from the date of finding of infringement. Regarding these texts, the law recommended that offenses and penalties relating thereto are reviewed and graded by category and according to the seriousness of putting them in a consistency that takes into account the seriousness of the facts in line with the penalties especially in the fight against IUU fishing.

## **RECOMMENDATIONS.**

*After an analysis and interpretation of information when writing this thesis, I make the following recommendations:*

*-The fisheries agreements with other non-EU countries increase pressure on fishery resources stocks, some of which are beginning to show signs of full exploitation and overexploitation. In this context the government through the Ministry of Fisheries Aquaculture and Maritime Economy shall assess the impact of all former previous fisheries agreements before signing again ;*

*-The researchers must undertake a thorough analysis of the environmental and social impact before taking any initiative in the fisheries sector. Indeed, the Fisheries Agreement providing access rights to the resource should also take into account a certain number of criteria developed objectively or comply with the new codes of fisheries, environment, merchant marine etc.;*

*-If the main objective of the fisheries agreements concluded between Guinea and the EU is to maintain fishing opportunities, these opportunities should generate employment in the communities that are dependent upon fishing. The financial value the resources allocated in the framework of fisheries agreements should be determined as a matter of in order to secure a more fairer distribution of the financial rewards;*

*-A fundamental revision of fishery agreements is needed to ensure that a legal framework and specific institutional must also be put in place so that sustainable development determines the nature of cooperation with the EU;*

*-Without question the presence of foreign industrial fleets in the EEZ of Guinea and currency they generate is significant. However several steps must be taken by the European Union to direct the government ,to establish a sound policy and to support artisanal fishery in its development and helping people from the communities that depend on this sector;*

*-A support fund should be created within the framework of the Lomé Convention. It would cover access to credit for (equipment, infrastructure) as well as funding for professional organizations;*

*-We have to strengthen the presence and participation of professionals in defining fishery policies and notably during the signatures of Fisheries Agreements with the EU;*

*-The means of monitoring and surveillance of foreign fleets in the Guinean EEZ should be developed to fight against IUU fishing;*

*-The Guinean Maritime Prefecture must build financial, technical and human capacity allowing it to play its*

*role in monitoring and protecting against IUU fishing, piracy, pollution in the territorial sea with a cooperation of the departments of fisheries, transport, environment and mining;*

*-The work of researchers and the staff working in the fishery sector should be oriented towards the study and support for maritime, continental fisheries and aquaculture;*

*The impending renegotiation of fisheries agreements the European Union offers a great opportunity to change the current situation characterized by the loss of biodiversity and the consequent loss of sustainable livelihoods in the region, basing on the principle of sustainability. The renegotiation must itself offer those changes, because Guinea is not in a strong position to do so without the support of bi- and multi-lateral partners.*

*The European Union is concerned with sustainable development of fishery resources; it must encourage Guinea to:*

*-Negotiate a regional fisheries partnership agreement in a transparent and participatory manner (including representatives of coastal fishing communities, experts in marine ecosystem, NGOs and conservation nature organizations).*

*-Study the environmental impacts of various fishing scenarios and fish marketing, with the regional cooperation. The most optimal scenario can contribute to preventing biodiversity loss while recognizing the right of these countries to exploit their EEZ.*

*-Find a model of good practice that has worked in their local conditions and influence to local policies include these success stories as standard. These best practice models should converge on enhancements of communities themselves to sustainable fishery resources; this with the support of developed countries authorities, the scientists and NGOs.*

*-Design, popularizing a training manual the actors (policy makers, the fisheries administration, researchers, fishermen communities and civil society) on the principles of ocean governance in terms of sustainable management (of resources, of marine and coastal environment) on the one hand but also in the legal and institutional aspects on the other.*

*The majority of the amounts of compensation arising from the fisheries agreements must be used to support fisheries management programs including well defined aquaculture at national and regional levels.*

*As to estimate the size of the available extra, we can rejoice in the adoption of such an approach, but the EU would do well to take into account also the views of other scientists other than its own.*

*In the past, the fishery agreements were a major cause of overfishing, because the EU simply would not listen to other scientific opinions. For this new approach to be successful, the EU and its partners will have to impose a common framework for the same kind of partnerships that will be signed with competitors fishing operators and ensure that the coastal state does not swapped repeatedly extra fish resources.*

*In the Fisheries Partnership Agreements, the presence of both the owners of resource and the various competitors' seekers is something that goes without saying. The European Union should suggest that the management of the fleet of [third country] could include the possible inclusion of European distant water fishing vessels in the fishing fleet of the partner.*

*The fisheries partnership agreements can provide the appropriate legal framework and financial instruments related to the partner development objectives, encourage the transfer of technology, capital and knowledge through the promotion of joint enterprises in the interests the EU and those of Guinea.*

*The new regulation on the European fleet structure says that consistency should be ensured between the sector's restructuring policy and other aspects of the Common Fisheries Policy, in particular the objective of adjusting fishing capacity to achieve a stable and enduring balance between the capacity of fishing*

*fleets and the fishing opportunities in EU marine areas and outside them.*

*With the new legal, institutional, structural financial compensation should be used to develop or implement new programs and projects:*

*1-Improving and promoting good governance of the fisheries sector, reinforcement of the Ministry of Fisheries workers capacity of aquaculture and the marine economy, the fisheries sector of the professional organizations and the aquaculture.*

*\*Support for strengthening the governance instruments of aquaculture sector in Guinea;*

*\*Strengthening surveillance;*

*\*Strengthening scientific programs for the exploration and evaluation of existing fisheries resources;*

*\*Strengthening statistical systems;*

*\* Support for the management of new information and communications technology.*

**NB:** *for the transparency must promote communication and information by:*

*An establishment of a monitoring, control and electronic archiving records of the Ministry of Fisheries Aquaculture and Maritime Economy;*

*An establishment and operationalization of a database for technical and financial management of the Ministry of Fisheries Aquaculture and Maritime Economy and its services;*

*A creation and operationalization of a website and upgrading of networks of intra and internet of the Ministry of Fisheries Aquaculture and Maritime Economy;*

*An interconnection of the cabinet with the various departments of MFAEM;*

*Strengthening the National Monitoring, control and surveillance (MCS) system;  
To promote of fisheries resources co-management;*

*2-Development of marine artisanal fishery program, through the construction of new fishermen villages, modernization of artisanal fisheries fleet, support to the revival of the motor boats, construction of a pilot plant fishery products processing meet quality standards , allocation of credit lines to facilitate Fishermen access to fisheries inputs, improving conditions for the development of fishery products trade ;*

*3-Support for industrial marine fisheries through a realization of fishing ports in the image of the countries like Morocco or Mauritania and support for the creation of a national industrial fishing fleet.*

*4-Support the development of inland fisheries in the basin of the river Senegal and Niger, has to improve of fish smoking technology,*

*5-Support the development of fish farming (fish culture) by an intensification and enhancement of public fish stations, pursue the development of community fish braiding in Upper Guinea region and exploitation of water bodies in Middle and coastal Guinea regions, allocation of credit lines for fish farmers to facilitate their access to fish inputs.*

### **SUMMARY.**

*The Republic of Guinea signed with the first fishing agreement in 1980 the European Community. Since then, several other similar agreements were signed between the two partners until 2008.*

*Under these agreements, the Government of Guinea has allowed authorized vessels of the European Community to fish in its EEZ. In return for granted fishing opportunities, the European Community grants financial compensation to Guinea. Part of the financial compensation is intended to fund actions aimed at achieving the objectives set in the Government sector program including: (1) improvement of fisheries and living resources of the fishing zone in Guinea; (2) support the monitoring of fishing and management of fishing effort; (3) supervision of artisanal fisheries, (4) institutional strengthening of the Ministry of Fisheries Structures, (5) the promotion of training in various scientific, technical and economic fields linked to fishing, (6) the improving the quality of fishery products by supporting the monitoring of the aquatic or sea environment contaminants; (7) support to analytical laboratories, and (8) the contribution and participation of Guinea in the international fisheries organizations.*

*In 2006, (39) European vessels under fisheries agreements were registered. The exercise of fishing activity involves conditions related to the issuing of fishing licenses, royalties payable by ship-owners, fishing areas, meshes, catch reports, capture landings bonds, boarding arrangements for Guineans marine and observers, radio communications and procedures for boarding for non-compliance.*

*Theoretically, this type of device is implemented to allow the coastal country to derive maximum benefit from its resources by putting on the market the financial resources that can be exploited either for reasons related to the weakness and / or technical or by technological mastery deficit necessary for the operation and development of a fishery resource data. If the fisheries agreements have advantages, this does not mean hide the negative aspects such as to increase of EU fishing possibilities on high estimated commercial value fish resources.*

*From the point of view of the socio-economic impacts of national recognition of fisheries agreements this represents an equity transfer from North to the South, which is a positive for the balance of payment and allows states to ensure the payment of part of public administration officials and the construction of some basic social infrastructures.*

*Indirectly, the impact of fisheries agreements on the economy in general, results in the creation of employment, income distribution and taxes that go directly into the coffers of the state (treasury), the development of activities harbor hotel and then to the fuel supply and various products.*

*In terms of job creation and income the Fisheries Agreements with the EU have enabled the creation of many jobs. Some fisheries agreements signed by Guinea with other partners other than the EU cause the scarcity of resources such as sardines, causing huge economic losses both in the artisanal fishermen and women fishmongers who are the main actors in the fish processing by drying and smoking.*

Overfishing has made it more difficult for artisanal fishers to secure an economically viable daily catch. The quantity and quality of fish decreases, while demand increases. This decrease in the quality of fish is further compounded by the fact that good quality fish is scheduled for export and not for local consumption, particularly species such as squid, octopus, lobster and shrimp which are disappearing in the local markets for international or foreigner market. The fact that fish are getting smaller also resulted in decreased quality of food supplies and the difficulty to meet demand negatively affected the income levels of fishers, they now spend more time at sea trying to ensure capture; and this in open canoes, which means they are exposed to the dangers of the sea itself, especially on the Atlantic Ocean; but also fierce competition for fishermen from other neighboring countries and competition with foreign industrial fleets. Increased pressure on fish stocks means that the risks of violent incidents are becoming more frequent, while the loss of income makes it difficult to purchase food supplies and other needs of fishermen. The scarcity has economic effects on the entire fishing industry. Indeed, reduce the fishing effort becomes greater and fishing areas are becoming more and more distant, causing fuel consumption to increase, and increasing unit operating costs of the artisanal fishing.

The environmental dimension of these fisheries agreements is a national problem. It concerns the over fishing and depletion of fish stocks in a tendency to collect fish increasingly young endangering species turnover thus having significant negative impacts on the potential in terms of people's food security.

The main reasons for the depleted fishery resource stocks are overfishing effort by foreign fleets engaged in IUU fishing due to the violation or disregard and non-application of certain regulations and especially to poor fishing practices. A decrease in resources results in a considerable reduction in earnings for artisanal and industrial fishing, resulting thereafter, and dramatic social consequences. Moreover, the decrease in resources may negatively affect the macroeconomic indicators of the country and affect its competitiveness in relation to globalization and (WTO) rules.

Thus suppression of fisheries agreements in 2008 resulted in negative consequences for economic and social point of view in Guinea. Indeed, all projects that were financed by the EU fisheries suffered consequences such as NFRCB (National Fisheries Research Center of Boussoura, the construction and equipping of a laboratory quality control of fish products) whose budgets are derived mainly from the Fisheries Agreement. Thousands of jobs were also lost and the processing units and fish processing are known supply problems and export to EU markets.

Given this analysis, the European Union- Guinea fisheries partnerships must remain. It is in the interest of both parties that the type of partnerships evolves into, because the European Union helps Guinea to implement and to promote a good governance of sustainable management and exploitation of marine resources.

In the current context of increasing scarcity of fish stocks, signing the fisheries agreements with foreign fleet's (Chinese, Korean .etc.), often fuels tensions between the fisheries administration, artisanal fishermen organizations and industrial fishing companies. The future agreements should be subject to inclusive consultation for the political will of the state to develop the sector so that it can play its role in the socioeconomic development of the nation.

Some fisheries agreements have contributed to the improvement or development of the practice of IUU fishing with a complicity of some corrupt administrative authorities that prevented the ability of the state through the Ministry of Fisheries to appropriately manage its fishery resources, control of foreign ships movements to control its operating revenues, to obtain financial assistance and other forms of development assistance, and operate its port infrastructure and services of industries.

Moreover if we take into account the current state of some fish stocks authorized, we realize that fishing agreements are also dictated by economic constraints to which the foremost is the budget issue, not only on the idea that there is untapped surplus and should be done by giving in to a third State.

Fishing agreements with the EU have had a positive impact in the field of implementation of the knowledge and application of laws regarding ocean governance; they have also contributed to the improvement of institutional and structural aspects of the fisheries and aquaculture sector of marine economy. The lack of transparency in the negotiation of agreements, control and surveillance deficit of fishing activities by foreign vessels, the need to involve the negotiation all stakeholders including experts, national professionals and decision-makers are problems that can be solved. This is obvious for the

proper management and sustainable utilization for industrial and artisanal fishing sectors.

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