

# Ocean Governance Study

# GHANA

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DOALOS/Norad Programmes of Assistance to meet  
the strategic capacity needs of the developing  
States in ocean governance and the law of the sea

# Ocean Governance Study: Ghana

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## Division for Ocean Affairs and the Law of the Sea Capacity-Building Programme

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DOALOS provides assistance to States through its Capacity-Building Programme, and financial assistance through the voluntary trust funds it administers. Assistance is developed on a needs basis, working closely with beneficiaries and donors, as well as relevant intergovernmental organizations and development partners. Developing States are given priority, in accordance with the terms or reference of each project or fund.

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# Programmes of Assistance to meet the strategic capacity needs of developing States in the field of ocean governance and the law of the sea

The Programmes of Assistance project provides capacity development and technical assistance for developing States to enhance their capacity to implement the United Nations Convention on the Law of the Sea (UNCLOS) and related Agreements, and to better harness the benefits of the blue economy including through more effective implementation of the 2030 Agenda for Sustainable Development.

The Government of Norway provides funding for the project as part of its Oceans for Development programme, which is managed by the Norwegian Agency for Development Cooperation (Norad). The Division for Ocean Affairs and the Law of the Sea (DOALOS) implements the project, drawing on its long-standing experience in delivering responsive programmes of assistance in ocean affairs and the law of the sea.

The project comprises three main categories of activities:

- Regional consultations, through which the Division consults with regional intergovernmental organizations and others to gain insight about ongoing regional programmes and activities on ocean governance and to identify capacity-building needs and priorities in the region.
- Customized training courses, to reinforce the capacity of government officials and relevant stakeholders in the implementation of ocean governance strategies at the regional and national level.
- National Ocean Governance Studies (OGS), to help beneficiary States gain strategic insights into their legal and institutional frameworks relating to ocean affairs and the law of the sea and related capacity-building needs.

This report was produced under the third project activity. The facilitation of an OGS assists States in the identification of their key national ocean governance frameworks; in enhancing their implementation of the Convention and related Agreements, as well as the 2030 Agenda for Sustainable Development and its Sustainable Development Goals; and in developing effective policies for relevant ocean sectors, including in strengthening their blue economy strategies.

The OGS provide a high-level overview of the beneficiary State's legal and institutional frameworks on ocean affairs and the law of the sea, including in priority sectors identified by the beneficiary State, as well as a prioritized inventory of capacity-building needs. Gender and oceans, as well as the blue economy, are the two cross-cutting issues addressed in the studies.

Where possible, the OGS are conducted by consultants from the beneficiary State or the region. The project also seeks to involve early career ocean academics or professionals to build capacity of local researchers. The work of the consultants, including ensuring broad national stakeholder engagement, is facilitated by beneficiary State National Focal Points. They also enable the State's review of the work undertaken by the consultants and its dissemination once complete.

Participation in an OGS is open to States included on the list of countries eligible for official development assistance maintained by the Development Assistance Committee of the Organisation for Economic Co-operation and Development.

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# Acronyms

<b>AIM</b>	Africa Integrated Maritime Strategy	<b>LUSPA</b>	Land Use and Spatial Planning Authority
<b>CITES</b>	Convention on International Trade in Endangered Species of Wild Fauna and Flora	<b>MAP</b>	Marine Protected Area
<b>CLC</b>	International Convention on Civil Liability for Oil Pollution Damage	<b>MARPOL</b>	International Convention for the Prevention of Pollution from Ships
<b>CLCS</b>	Commission on the Limits of the Continental Shelf	<b>MESTI</b>	Ministry of Science, Environment, Technology and Innovation
<b>DOALOS</b>	Division for Ocean Affairs and the Law of the Sea	<b>MoFAD</b>	Ministry of Fisheries and Aquaculture Development
<b>ECOWAS</b>	Economic Community of West African States	<b>NCCP</b>	National Climate Change Policy
<b>ECA</b>	Economic Commission for Africa	<b>NDPC</b>	National Development Planning Commission
<b>EIMS</b>	ECOWAS Integrated Maritime Strategy	<b>NIMS</b>	National Integrated Maritime Strategy
<b>ECS</b>	Extended Continental Shelf	<b>Norad</b>	Norwegian Agency for Development Cooperation
<b>EEZ</b>	Exclusive Economic Zone	<b>NPFC</b>	National Premix Fuel Committee
<b>EPA</b>	Environmental Protection Agency	<b>OGS</b>	Ocean Governance Studies
<b>EU</b>	European Union	<b>OPRC</b>	Oil Preparedness, Response and Co-operation
<b>FAO</b>	Food and Agriculture Organization of the United Nations	<b>SUA</b>	Convention for the Suppression of Unlawful Acts against Safety of Maritime Navigation
<b>FEU</b>	Fisheries Enforcement Unit	<b>SDG</b>	Sustainable Development Goal
<b>FMOCC</b>	Fisheries Management Operational Committee	<b>SFS/HMFS</b>	Straddling Fish Stocks and Highly Migratory Fish Stocks
<b>FCWC</b>	Convention for the Establishment of the Fishery Committee for the West Central Gulf of Guinea	<b>SND</b>	Shipping and Navigation Division
<b>GMA</b>	Ghana Maritime Authority	<b>SOLAS</b>	Convention for the Safety of Life at Sea
<b>GNPC</b>	Ghana National Petroleum Corporation	<b>STCW</b>	International Convention on Standards of Training, Certification and Watchkeeping for seafarers
<b>GSA</b>	Ghana Shippers' Authority	<b>UN</b>	United Nations
<b>HLP</b>	High-Level Panel for a Sustainable Ocean Economy	<b>UNCLOS</b>	United Nations Convention on the Law of the Sea
<b>HNS</b>	Hazardous and Noxious Substances	<b>UNDP</b>	United Nations Development Programme
<b>ICCAT</b>	International Commission for the Conservation of Atlantic Tunas	<b>UNFCCC</b>	United Nations Framework Convention on Climate Change
<b>IMO</b>	International Maritime Organization	<b>WACAF</b>	West and Central Africa Region
<b>ITLOS</b>	International Tribunal for the Law of the Sea		
<b>IUU</b>	Illegal, unreported, and unregulated		



# Executive Summary

Photo: Hen Mpoano

The enactment of adequate and effective legislation and establishing of efficient institutions facilitate the successful implementation of policies to properly manage maritime zones. This report contains an analysis of existing legal frameworks at all governance levels in Ghana, aiming to assess the level of implementation, validity and alignment to international ocean governance frameworks and standards and to identify possible gaps and needs.

The report provides information on how ocean governance is structured through the legal and institutional frameworks in the Republic of Ghana and describes the existing frameworks, maps out relevant stakeholders, and identifies gaps and capacity needs in ocean governance in Ghana. It also addresses two priority areas, namely marine fisheries and maritime security.

# Introduction

This Ocean Governance Study, commissioned by the Division for Ocean Affairs and the Law of the Sea (DOALOS) of the Office of Legal Affairs of the United Nations, seeks to provide a high-level overview of Ghana's legal and institutional framework for ocean governance in the context of the 1982 United Nations Convention on the Law of the Sea (UNCLOS). This report also seeks to analyse the level of implementation of UNCLOS through Ghana's ocean governance laws and to identify gaps in the current legal and institutional arrangements. In addition to the high-level overview, the report addresses two priority sectors of ocean governance, as identified by the Government, and sets out Ghana's capacity needs in developing and implementing ocean governance frameworks.

This report is divided into five main parts. Part I provides a brief overview of the core provisions of UNCLOS, its related agreements and Ghana's engagement with these instruments. Part II provides a comprehensive overview of the legislative frameworks for ocean governance. Part III provides a detailed overview of the institutional arrangements relating to ocean governance in Ghana. Part IV focuses on two priority sectors identified by the Government of the Republic of Ghana: marine fisheries and maritime security. Finally, part V provides concluding observations and makes recommendations in addressing gaps in Ghana's legal, institutional and capacity requirements relating to ocean governance for the effective implementation of ocean governance frameworks consistent with the international legal regime.

In terms of methodology, the study applied a desktop review and consultation approach by reviewing key laws, regulations and policy documents relating to UNCLOS; mapping relevant national stakeholders; administering a questionnaire on the legal and institutional framework based on UNCLOS in Ghana, including capacity needs; and interviewing experts and public officials. Inception and validation meetings were also held with the stakeholders.

Photo: Stakeholders Meeting on Sustainable Ocean Plan for Ghana (SDGs Advisory Unit)



# I. UNCLOS and Other Ocean-Related International Instruments

## 1.1. Introduction to UNCLOS

The United Nations Convention on the Law of the Sea<sup>1</sup> (UNCLOS) is generally regarded as a “constitution for the oceans”. It establishes the international legal order for the governance of the seas and oceans. The Convention underscores that problems of ocean space are closely interrelated and need to be addressed holistically. This Convention consists of 320 articles and nine annexes. UNCLOS sets out, *inter alia*, the rights and obligations of States regarding, among others, maritime zones, including the territorial sea, contiguous zone, the exclusive economic zone, the continental shelf and the high seas; the Area or seabed beyond the limits of national jurisdiction; the protection and preservation of the marine environment; marine and scientific research; and the development and transfer of marine technology. The Convention also contains a comprehensive and binding system for the settlement of disputes.

UNCLOS was opened for signature on 10 December 1982 and entered into force on 16 November 1994. The Convention is accompanied by two implementing agreements, namely the Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 (Part XI Agreement),<sup>2</sup> adopted on 24 July 1994 and entered into force on 28 July 1996; and the United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling and Highly Migratory Fish Stocks (United Nations Fish Stocks Agreement),<sup>3</sup> adopted on 4 August 1995 and entered into force on 11 December 2001.

The Part XI Agreement resolved certain political difficulties around the regime on the Area contained in Part XI of the Convention. It is to be interpreted and applied together with UNCLOS as a single instrument.

The United Nations Fish Stocks Agreement aims to ensure the long-term conservation and sustainable use of straddling and highly migratory fish stocks within the framework of UNCLOS. It calls for the application of the precautionary approach and the use of the best scientific information available for the conservation and management of straddling fish stocks and highly migratory fish stocks, as well as for cooperation by States at the subregional and regional levels. It further stipulates duties of State parties regarding, *inter alia*, registration records of vessels, authorizations, monitoring, control and surveillance, as well as compliance and enforcement.

1 1833 UNTS 3

2 1836 UNTS 3

3 2167 UNTS 3



Photo: Launch of the Transformation Report of the High-Level Panel for a Sustainable Ocean Economy (SDGs Advisory Unit)

## 1.2 Ghana's participation in UNCLOS and its implementing agreements

Ghana has been an active member of the international community working on ocean governance since its independence in 1957. Ghana played active roles in respect of the first United Nations Conference on the Law of the Sea in 1958 and the second Conference in 1960. Ghana signed the four conventions resulting from the 1958 Conference but never ratified them.<sup>4</sup>

In 1970, Ghana hosted one of the main conferences to build consensus for the third Conference. It brought together African and Asian legal experts under the aegis of the Asian-African Legal Consultations Committee (now the Asian-African Legal Consultative Organization) to discuss extended maritime jurisdiction (Kamal-Deen, 2017). Ghana also played an active role in processes under the Group of 77, which led to Kenya's formulation of the concept of the exclusive economic zone (EEZ) (UN, 1972). In addition, Ghana was one of the sponsoring States of the 1974 Draft articles on the exclusive economic zone at the Third United Nations Conference on the Law of the Sea (UN, 1974).

Ghana signed the Convention on 10 December 1982 and became the sixth State to ratify it on 7 June 1983. Ghana became a party to the Part XI Agreement on 23 September 2016 and a party to the United Nations Fish Stocks Agreement on 27 January 2017.<sup>5</sup> Ghana signed the Agreement on the Privileges and Immunities of the International Tribunal for the Law of the Sea (ITLOS)<sup>6</sup> on 30 June 1999 but has not yet ratified it. Furthermore, on 12 January 1999, Ghana signed the Protocol on the Privileges and Immunities of the International Seabed Authority<sup>7</sup>, which it ratified on 23 September 2016.

4 Convention on the Territorial Sea and the Contiguous Zone, 516 UNTS 205; Convention on the High Seas, 450 UNTS 11; Convention on Fishing and Conservation of the Living Resources of the High Seas, 559 UNTS 285; and Convention on the Continental Shelf, 499 UNTS 311.

5 Chronological lists of ratifications of accessions and successions to the Convention and the related Agreements. Available at [www.un.org/depts/los/reference\\_files/chronological\\_lists\\_of\\_ratifications.htm#Agreement%20relating%20to%20the%20implementation%20of%20Part%20XI%20of%20the%20Convention](http://www.un.org/depts/los/reference_files/chronological_lists_of_ratifications.htm#Agreement%20relating%20to%20the%20implementation%20of%20Part%20XI%20of%20the%20Convention). Accessed on 17 December 2022.

6 2167 UNTS 271.

7 2214 UNTS 133.

Apart from instruments mentioned above, Ghana has also signed several other instruments on different aspects of the law of the sea at the subregional, regional and international levels.

Concerning the protection and preservation of the marine environment, Ghana is party to the following:

- International Convention for the Prevention of Pollution of the Sea by Oil, 1954.<sup>8</sup>
- Treaty Banning Nuclear Weapon tests in the Atmosphere, in Outer Space and Underwater, 1963.<sup>9</sup>
- African Convention on Conservation of Nature and Natural Resources, 1968.<sup>10</sup>
- International Convention relating to Intervention on the High Seas in cases of Oil Pollution Casualties, 1969.<sup>11</sup>
- Ramsar Convention on Wetlands of International Importance, especially Waterfowl Habitats, 1971.<sup>12</sup>
- Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), 1973.<sup>13</sup>
- International Convention for the Prevention of Marine Pollution from Ships, 1973, as modified by the Protocol to the International Convention for the Prevention of Pollution from Ships (MARPOL), 1978.<sup>14</sup>
- Convention on the Conservation of Migratory Species of Wild Animals, 1979.<sup>15</sup>
- Convention for Cooperation in the Protection and Development of the Marine and Coastal Environment of the Atlantic Coast of the West, Central and Southern Africa Region (Abidjan Convention), 1981.
- Protocol Concerning Cooperation in Combating Pollution in Cases of Emergency, 1981.
- West and Central Africa Region (WACAF) Action Plan, 1981.
- Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel Convention), 1989.<sup>16</sup>
- International Convention of Oil Pollution Preparedness, Response and Co-operation (OPRC), 1990.<sup>17</sup>
- Convention on Biological Diversity, 1992.<sup>18</sup>
- United Nations Framework Convention on Climate Change (UNFCCC), 1992.<sup>19</sup>
- 1996 Protocol to the 1972 Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (London Protocol).<sup>20</sup>
- Kyoto Protocol to the UNFCCC, 1997.<sup>21</sup>
- Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009 (Hong Kong Convention).
- Paris Agreement, 2015.<sup>22</sup>

8 327 UNTS 3.

9 480 UNTS 43.

10 1001 UNTS 3.

11 970 UNTS 211.

12 996 UNTS 245.

13 993 UNTS 243.

14 932 UNTS 3.

15 1651 UNTS 333.

16 1673 UNTS 57.

17 1891 UNTS 78.

18 1760 UNTS 79.

19 1771 UNTS 107.

20 1046 UNTS 120.

21 2303 UNTS 162.

22 3156 UNTS.

In relation to fisheries management and regulation, Ghana is a party to the following:

- International Convention for the Regulation of Whaling, 1948.<sup>23</sup>
- International Convention for the Conservation of Atlantic Tunas, 1966.<sup>24</sup>
- Regional Convention on Fisheries Cooperation among African States Bordering the Atlantic, 1991.<sup>25</sup>
- Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, 1993.<sup>26</sup>
- Food and Agriculture Organization of the United Nations (FAO) Code of Conduct for Responsible Fisheries, 1995.<sup>27</sup>
- Memorandum of Understanding concerning Conservation Measures for Marine Turtles of the Atlantic Coast of Africa, 1999.
- International Plan of action against Illegal, Unreported and Unregulated Fishing, 2001.
- Convention for the Establishment of the Fishery Committee for the West Central Gulf of Guinea (FCWC), 2007.
- Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, 2009.<sup>28</sup>
- Protocol for the establishment and operation of a Regional Fisheries Monitoring, Control and Surveillance Centre to the Convention for the establishment of the Fishery Committee for the West Central Gulf of Guinea, 2019.

In terms of maritime and shipping regulation, Ghana is also a party to the following:

- Convention on Facilitation of International Maritime Traffic, 1965.<sup>29</sup>
- International Convention on Load Lines, 1966,<sup>30</sup> as amended by the Protocol relating to the International Convention on Load Lines, 1988.
- International Convention on Tonnage Measurement of Ships, 1969.<sup>31</sup>
- Convention on the International Regulation for preventing collisions at Sea, 1972.<sup>32</sup>
- Convention on a Code of Conduct for Liner Conferences, 1974.<sup>33</sup>
- International Convention for the Safety of Life at Sea (SOLAS), 1974 and the SOLAS Protocols of 1978 and 1988.<sup>34</sup>
- The International Convention on Standards of Training, Certification and Watchkeeping for seafarers (STCW) 1978.<sup>35</sup>

- International Convention on Maritime Search and Rescue, 1979.<sup>36</sup>
- Convention for the Suppression of Unlawful Acts against Safety of Maritime Navigation (SUA) and its Protocol for the Suppression of Unlawful Acts against Safety of fixed Platforms located on the Continental Shelf (SUA Protocol), 1988.<sup>37</sup>
- The Protocol of 1992 to amend the 1969 International Convention on Civil Liability for Oil Pollution Damage (CLC Protocol), 1992.<sup>38</sup>
- Protocol of 1992 to amend the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (Fund Protocol), 1992.<sup>39</sup>
- International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995.
- International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004.<sup>40</sup>

In terms of maritime security Ghana is a signatory to the following instruments:

- Code of Conduct concerning the Repression of Piracy, Armed Robbery against Ships and Illicit Maritime Activity in West and Central Africa, 2013 (The Yaounde Code of Conduct).
- African Charter on Maritime Security and Safety and Development in Africa (Lomé Charter), 2016 (not yet ratified or entered into force).

The compilation of conventions demonstrates that Ghana has been very active at the global and regional levels in negotiating and participating in agreements on various aspects of ocean governance. However, since Ghana is a dualist nation these instruments are not automatically applicable as Ghanaian law until they are implemented by way of domestic legislation under article 75(2) of the 1992 Constitution.

The next part of this report provides an overview of the various national laws implementing some of these international treaties covering various aspects of ocean governance in Ghana.

36 1405 UNTS 97.

37 1678 UNTS 304.

38 1956 UNTS 255.

39 1953 UNTS 330.

40 UNTS no. 55544.

23 161 UNTS 72.

24 673 UNTS 63.

25 1912 UNTS 53.

26 2221 UNTS 91.

27 Available at [www.fao.org/3/v9878e/v9878e00.htm](http://www.fao.org/3/v9878e/v9878e00.htm). Accessed on 30 June 2022.

28 UNTS no. 54133.

29 591 UNTS 265.

30 640 UNTS 133.

31 1323 UNTS 379.

32 1050 UNTS 18.

33 1334 UNTS 15 and 1365 UNTS 360.

34 1226 UNTS 237.

35 1361 UNTS 2.

Photo: Launch of the Transformation Report of the High-Level Panel for a Sustainable Ocean Economy (SDGs Advisory Unit)





Photo: Launch of the Transformation Report of the High-Level Panel for a Sustainable Ocean Economy (SDGs Advisory Unit)

## II. Legal Framework For Ocean Governance In Ghana

### 2.1 About Ghana

Ghana is situated within the Gulf of Guinea in West Africa. It borders east with the Republic of Togo and west with the Republic of Côte d'Ivoire. Ghana is within longitudes 3° 5' W and 1° 10' E and latitudes 4° 35' N and 11°N. It has about 550 km of coastline, an extensive exclusive economic zone (EEZ) of over 218,000 km<sup>2</sup> and a continental shelf area of around 23,700 km<sup>2</sup>. The country's population has grown fivefold since independence in 1957 to a total of 31 million people, with women constituting about 50.7 per cent of the total population (Ghana Statistical Services, 2021).

Ghana is a unitary State with a Republican Constitution. Ghana's 1992 Constitution, which came into force on 7 January 1993, indicates in article 4 that Ghana's sovereignty covers areas including its territorial sea and air space. The Constitution also mandates Parliament to adopt legislation delimiting the territorial sea, contiguous zone, exclusive economic zone, and the continental shelf.

Ghana has, since pre-colonial times, been a coastal fishing nation. Its waters contain several species including sea breams, cassava croakers, snappers, threadfins, grunts and cuttlefish. The seafloor of Ghana is rich in demersal species of commercial value including lobsters, scallops, clams and mussels (Kamal-Deen, 2017). After several years of exploration, in 2007, Ghana first discovered offshore hydrocarbons in commercial quantities in the Jubilee Fields, about 60 nautical miles from shore.

### 2.2 Ghana's Maritime Zones

On 2 August 1986, Ghana enacted the Maritime Zones (Delimitation) Act, 1986 (PNDCL 159) to give effect and the force of law to the provisions of UNCLOS relating to maritime zones, namely, the territorial sea, contiguous zone, exclusive economic zone and the continental shelf.

By this legislation, Ghana asserted its sovereignty and jurisdiction over the various maritime zones measured from the baseline from which the breadth of the territorial sea is measured. Accordingly, Ghana has asserted its claims to the 12 nautical miles territorial sea measured from the low waterline along the coast of the Republic; 24 nautical miles from the baseline constitute its contiguous zone; 200 nautical miles for the EEZ and 200 nautical miles for the continental shelf.

To briefly trace the history of Ghana's maritime zones claims, the first post-independence legislation on the subject was the Mineral Act, 1962 (Act 126), which without stating a particular limit, defined the "territorial waters" to mean "the territorial waters of Ghana below the low water mark."<sup>41</sup> Thus, Ghana was understood to have adopted the prevailing customary international law limit of 3 nautical miles. A year after, Ghana changed its territorial waters limit to 12 nautical miles under the Territorial Waters and Continental Shelf Act, 1963 (Act 175). This Act redefined the maritime zones as the territorial sea, a fishery zone and a continental shelf. Additionally, the Act gave the President of the Republic the power in the public interest to declare any part of the sea touching or abutting the coast and seaward of the outer limits of the territorial sea of Ghana, to be an area over which the Republic may exercise any right of protection.<sup>42</sup> Furthermore, the President had the power to declare any area of the sea touching or adjoining the coast and within a distance of 100 nautical miles from the outer limits of the territorial waters of Ghana to be a fishing conservation zone.<sup>43</sup> Section 5 of Act 175 defined the Continental Shelf as the seabed and subsoil of marine areas to the depth of 100 fathoms contiguous to the coast and seaward of the area of land beneath the territorial waters of Ghana including all the resources of any such area including minerals and other inorganic and organic matters.

In 1968, Ghana passed the Continental Shelf (Amendment) Decree, 1968 (NLCD 309), which redefined and expanded the meaning of the Continental Shelf in section 5 to align with the 1958 Convention on the Continental Shelf. In 1973, Ghana extended its claims to declare a territorial sea limit of 30 nautical miles with the passage of the Territorial Waters and Continental Shelf Decree, 1973 (NRCD 165).<sup>44</sup> However, this legislation and the Territorial Waters and Continental Shelf (Amendment) Decree, 1977 (S.M.C.D. 109) were repealed in 1986 by the passage of the Maritime Zones (Delimitation) Act 1986 (PNDCL 159) to make Ghana conform to UNCLOS.

#### 2.2.1 Ghana's Delimited Maritime Boundaries

Ghana had overlapping maritime boundary claims with Côte d'Ivoire to Ghana's western border and still has unresolved maritime boundary claims with the Togolese Republic, the Republic of Benin and the Federal Republic of Nigeria on Ghana's eastern border on the Atlantic Ocean.

The maritime boundary dispute with Côte d'Ivoire was settled through third party dispute resolution by a Special Chamber of the International Tribunal of the Law of the Sea (ITLOS) on 23 September 2017 (ITLOS, 2017). By its Judgment, the Special Chamber defined a single maritime boundary between Ghana and

<sup>41</sup> Minerals Act, 1962(Act 126), sect. 12.

<sup>42</sup> Territorial Waters and Continental Shelf Act, 1963 (Act 175), sect.1(2).

<sup>43</sup> Act 175, sect.2.

<sup>44</sup> Territorial Waters and Continental Shelf Decree, 1973(NRCD 165), sect. 1(1)



Côte d'Ivoire across the various maritime zones, including the territorial sea, exclusive economic zone, the continental shelf within 200 nautical miles, as well as the extended continental shelf. This Judgment has engendered certainty in dealings between the States and their concessionaires and investors regarding the extent of the maritime jurisdiction of both States.

Prior to 2018, Ghana had yet to deposit its geographical coordinates and official admiralty charts with the United Nations. Therefore, in the Ghana/Cote d'Ivoire maritime boundary dispute Ghana relied on the British Admiralty Chart 1383, whose underlying data were collected as long ago as the 1840s, which the Special Chamber accepted.<sup>45</sup> Subsequently, on 19 June 2018, Ghana deposited with the Secretary-General of the United Nations a list of geographical coordinates of points concerning the lines of delimitation of the territorial sea, the exclusive economic zone and the continental shelf between Ghana and Côte d'Ivoire.<sup>46</sup>

In accordance with UNCLOS, Ghana and Togo have been negotiating with a view to reaching an agreement on their common maritime boundaries relating to the territorial sea, exclusive economic zone and continental shelf since 2018. If Ghana and Togo are not able to reach an agreement on maritime boundary delimitation, the two States will have to settle their dispute before one of the international dispute resolution mechanisms provided for in part XV of UNCLOS, such as the ITLOS, the International Court of Justice or an annex VII Arbitral Tribunal.

Ghana and Benin, and Ghana and Nigeria have yet to settle their respective maritime boundary claims in the Atlantic Ocean. With respect to Benin, Ghana has overlapping claims in the exclusive economic zone. The maritime zone in dispute between Ghana and Nigeria lies at the end of the continental shelf.

### 2.2.2 Delineation of the outer limits of Ghana's continental shelf

On 28 April 2009, per article 76(8) of UNCLOS, Ghana made a Submission to the Commission on the Limits of the Continental Shelf (CLCS) for the delineation of the outer limits of the continental shelf beyond the 200 nautical miles limit from the baseline from which the breadth of the territorial sea is measured. Ghana's submission covered two separate regions along the same margin, namely, the "Eastern Extended Continental Shelf Region" and the "Western Extended Continental Shelf" (CLCS, 2014). The plenary of the Thirtieth Session established a subcommission of the CLCS on 2 August 2012. The subcommission unanimously adopted its recommendations on 29 February 2014 and submitted them to the Commission on 3 March 2014 for its consideration and approval.

On 5 September 2014, the Commission adopted the recommendations of the subcommission with amendments, which included the determination of the fixed points establishing the outer edge of the continental margin and shelf of Ghana in the northern Gulf of Guinea in accordance with article 76 beyond the 200 nautical miles limit for both the eastern and western extended continental shelf segments.

### 2.2.3 Navigation, the right of innocent passage and immunity of warships

Section 2(1) of the Maritime Zones (Delimitation) Act 1986 (PNDCL 159)<sup>47</sup> provides that the Republic exercises sovereignty over the territorial sea subject to the provisions of UNCLOS and other rules of international law. This indicates that in the exercise of jurisdiction over its territorial sea, Ghana recognizes and respects the innocent passage of vessels and other lawful uses of its territorial sea.

<sup>45</sup> Ghana v Côte d'Ivoire, Judgment, 23 September 2017, paragraph. 329

<sup>46</sup> Marine Zone Notification. M.Z.N.138.2018.LOS of 29 June 2018. Available at [www.un.org/Depts/los/LEGISLATIONANDTREATIES/STATEFILES/GHA.htm](http://www.un.org/Depts/los/LEGISLATIONANDTREATIES/STATEFILES/GHA.htm). Accessed on 17 December 2022

<sup>47</sup> Maritime Zones (Delimitation) Act 1986 (PNDCL 159), sect.2(1)



Photo: Charles Smith (Environmental Justice Foundation)

Nevertheless, Ghana experienced some issues regarding the immunity of a foreign war ship present in its inland ports. In the *ARA Libertad* (Argentina v. Ghana) case, on the application of some private investors, a Ghanaian High Court issued an arrest warrant for the arrest of an Argentine naval vessel, the *ARA Libertad*, while docked in the Ghanaian port of Tema. Upon the arrest of the vessel, Argentina instituted proceedings before ITLOS under article 290(5) of UNCLOS for prompt release of the vessel, as well as for substantive relief, including a demand for the payment of compensation for injury to Argentina and breach of Ghana's international responsibility under international law. The Tribunal granted provisional measures for the prompt and unconditional release of the vessel. The parties subsequently settled the dispute through diplomatic channels. The Tribunal held that "in accordance with general international law, a warship enjoys immunity" and that "any act which prevents by force a warship from discharging its mission and duties is a source of conflict that may endanger friendly relations among States" (ITLOS, 2012).

On the application of the Attorney-General of Ghana, this matter also came before the Supreme Court of Ghana, which held that the seizure of the Argentine warship was contrary to Ghana's public policy on the grounds that such conduct portended security risk for Ghana.<sup>48</sup> The Supreme Court, therefore, quashed the High Court decision and ordered the release of the *ARA Libertad* from arrest.

### 2.2.4 Sea lanes and traffic separation scheme

Under article 22 of the Convention, coastal States are permitted, where necessary having regard to the safety of navigation, to require foreign ships passing through its territorial sea to use sea lanes and to observe any traffic separation scheme in force. The designation of such schemes must take into account the recommendation of the International Maritime Organisation (IMO), special characteristics of ships and channels customarily used for international navigation. As of the preparation of this report, Ghana has not yet designated such sea lanes and separation schemes.

<sup>48</sup> The Republic v. High Court (Comm. Div.) Accra: Ex Parte; Attorney General & NML Capital Ltd & The Republic of Argentina [2013-2014] SCGLR 990



Photo: Charles Smith (Environmental Justice Foundation)

## 2.3 Fisheries and aquaculture

The Fisheries Act, 2002 (Act 625),<sup>49</sup> Fisheries (Amendment) Act, 2014 (Act 880),<sup>50</sup> Fisheries Regulation, 2010 (L.I. 1968),<sup>51</sup> Fisheries (Amendment) Regulations, 2015 (L.I. 2217),<sup>52</sup> and the National Premix Fuel Committee Regulations, 2016 (L.I. 2233)<sup>53</sup> are the primary legislations relating to fisheries regulation in Ghana.

Act 625 makes provision for fisheries management, development and the sustainable exploitation of fishery resources; artisanal fishing, aquaculture and recreational fishing; treatment of foreign fishing vessels and fishing licensing regime; fishing methods and equipment; fishing seasons; conservation measures; fisheries impact assessments; pollution of fishery waters; monitoring, control and surveillance and enforcement; and regulation and authorization of research vessels. These enactments govern inland and marine fisheries within Ghana's fishery waters and aquaculture.

Act 880 amends Act 625 to give effect to international conservation and management obligations, in particular by empowering the Minister responsible for fisheries to make regulations to combat illegal, unreported and unregulated (IUU) fishing.<sup>54</sup>

The Fisheries Regulation, 2010 (L.I. 1968),<sup>55</sup> Fisheries (Amendment) Regulations, 2015 (L.I. 2217),<sup>56</sup> and the National Premix Fuel Committee Regulations, 2016 (L.I. 2233)<sup>57</sup> are subsidiary legislation made by Parliament under powers conferred by the Fisheries Act 2002 (Act 625) to provide further details to the broad provisions of the parent Act.

The Fisheries Regulation 2010 (L.I. 1968) implements provisions of the Fisheries Act, 2002, it makes provision for a wide array of issues regarding fisheries management and conservation, aquaculture, trade in fish products and the preparation of fishery plans such as registration and marking of local, industrial and semi-industrial fishing vessels; use of fishing gear; fishing licence; dumping or trans-shipment of fish; fishing in foreign waters; compliance measures and monitoring mechanisms; approval of aquaculture establishments; fish seed production certificates; fish breeding permits; import and export of live fish,

<sup>49</sup> Fisheries Act, 2002 (Act 625)

<sup>50</sup> Fisheries (Amendment) Act, 2014 (Act 880)

<sup>51</sup> Fisheries Regulation, 2010 (L.I. 1968)

<sup>52</sup> Fisheries (Amendment) Regulations, 2015 (L.I. 2217)

<sup>53</sup> National Premix Fuel Committee Regulations, 2016 (L.I. 2233)

<sup>54</sup> Fisheries (Amendment) Act, 2014 (Act 880), Long Title and sections 1, 2 and 3

<sup>55</sup> Fisheries Regulation, 2010 (L.I. 1968)

<sup>56</sup> Fisheries (Amendment) Regulations, 2015 (L.I. 2217)

<sup>57</sup> National Premix Fuel Committee Regulations, 2016 (L.I. 2233)

and sanitary control of fish landed in Ghana. The Regulations also prescribe minimum mesh sizes of fishing gears and the minimum landing size of commercially important fish stocks. The Regulations make provision for the use of fish aggregating devices in tuna fishing which is required to conform with the International Commission for the Conservation of Atlantic Tunas (ICCAT) regulations.

L.I. 1968 also requires an operational monitoring device, prescribed by the Fisheries Commission, installed on a Ghanaian registered and licensed industrial fishing vessel to proceed to sea. The Regulations provide rules regarding monitoring devices and the keeping of fishing logbooks. Additionally, the Regulations make aquaculture a regulated activity; therefore, obtaining an environmental permit from the Environmental Protection Agency is a prerequisite to any such activity, in compliance with the Environmental Assessment Regulations, 1999.

The Fisheries (Amendment) Regulations 2015 (L.I. 2217) amended the Fisheries Regulations 2010 (L.I. 1968). L.I. 2217 makes it clear that the provisions for registering fishing vessels under the Ghana Shipping Act, 2003 (Act 645) and L.I. 1968 does not apply to canoes. L.I. 2217 provides the requirements for the registration of Ghanaian fishing vessels. It provides broadly that registration of Ghanaian fishing vessels must be consistent with Ghana's obligations under international or regional treaties to which Ghana is party, including international conservation measures aimed at addressing the challenges of IUU fishing. In addition, where a vessel that was previously registered under another registry applies for registration as a Ghanaian fishing vessel, it is a requirement to declare that it has not had previous involvement in IUU fishing. L.I. 2217 also makes provisions for the acquisition of a foreign fishing licence by Ghanaian fishing vessels, the obligation to provide fisheries data and catch information, and on ownership of vessel monitoring system information.

The National Premix Fuel Committee Regulations (L.I. 2233) of 2016 established the National Premix Fuel Committee (NPFC) is tasked with the responsibility to assist in procuring and distributing premix fuel to artisanal fishers in the fishing communities. The Regulations specify the composition of the NPFC and place the NPFC under the Ministry of Fisheries and Aquaculture Development (MoFAD). In addition, the Regulations mandate the establishment of Landing Beach Committees to facilitate the work of the NPFC. The proceeds from selling the fuel to artisanal fishers will be used to develop coastal fishing communities.

Other laws relevant to fisheries regulation include the Local Governance Act, 2016 (Act 936) and Local Government Act, 1993 (Act 462), under which the District Assemblies are to cooperate with the Fisheries Commission on the registration and licensing of canoes and the preparation of by-laws that support the implementation of national fisheries regulations (Coastal Resources Center, 2013).

In 2009, Ghana and its neighbouring countries who are members of the FCWC developed a Regional Plan of Action aimed at Preventing, Deterring and Eliminating Illegal, Unreported and Unregulated Fishing in the FCWC Zone. This plan is based on the principles and provisions of the FAO's Code of Conduct for Responsible Fisheries, the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, and an analysis of existing actions, efforts and mechanisms at national and regional levels. Based on these documents, Ghana adopted a National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing in May 2014 (Republic of Ghana, 2014). The 2014 Plan expired in 2018 and has been replaced by the 2021-2025 plan. Additionally, FCWC issued a revised Regional Plan of Action (2019-2023) in 2018.

Further policy frameworks relating to fisheries, including the draft Ghana National Fisheries and Aquaculture Policy,<sup>58</sup> the Co-Management Policy for the Fisheries Sector, 2020, and the draft Marine Fisheries Management Plan 2022-2026 are addressed in section 4.1.1 of this report.

<sup>58</sup> Ministry of Fisheries and Aquaculture Development. +, (in draft)

Although the fisheries laws are consistent with international conventions and agreements, stakeholders have pointed out that they do not adequately address all conventions and obligations, including the provisions of the Agreement on Port State Measures ratified in 2016 and many recommendations of the ICCAT.<sup>59</sup>

## 2.4 Hydrocarbon

In terms of regulation of hydrocarbon exploration, exploitation and development in Ghana, most of which occurs offshore, the current principal legislation is the Petroleum (Exploration and Production) Act of 2016 (Act 919). This Act replaced the Petroleum (Exploration and Production) Act, 1984 (PNDCL 84). In addition, the Ghana National Petroleum Corporation Act, 1983 (PNDCL 64) established the Ghana National Petroleum Corporation (GNPC). Furthermore, the Petroleum Commission Act, 2011 (Act 821) and Ghana Shipping (Protection of Offshore Operations and Assets) Regulations, 2012 (L.I. 2010) have provisions aimed at protecting the marine environment and providing sanctions for breach of these obligations.

Act 919 applies to petroleum activities within the jurisdiction of the Republic of Ghana, including activities in, under, and upon its territory and all inland waters, territorial sea, exclusive economic zone and its continental shelf. The objective of this Act is to provide for and ensure safe, secure, sustainable and efficient petroleum activities to achieve optimal long-term petroleum resource exploitation and utilization for the benefit and welfare of the people of Ghana.

Act 919 contains provisions regarding the management of petroleum resources; conduct of petroleum activities; exploration drilling, petroleum operating standards; cessation of petroleum activities, decommissioning and removal of facilities including restoration of facilities upon the cessation of petroleum activities on strict liability; health and safety, security and environment; the environment and

<sup>59</sup> Comments received from the Ministry of Fisheries and Aquaculture Development on Draft OGS Report, 2022

Photo: Charles Smith (Environmental Justice Foundation)



liability for pollution damage. The Act also makes provisions on safety requirements and standards, emergency preparedness and health to serve as safeguards against maritime environment pollution and safety. This conforms with the requirements of article 193 of the Convention which mandates a State party to exploit their natural resources but ensure that measures are put in place to prevent, reduce and control pollution of the marine environment.

Act 919 also requires any person undertaking petroleum activities to take into account and give effect to the environmental principles prescribed in the Environmental Protection Agency Act, 1994 (Act 490), any subsidiary legislation and any other applicable enactments. Similarly, a licensee, contractor, sub-contractor or corporation undertaking petroleum activities is obliged to take necessary measures to ensure that petroleum activities are conducted in a safe and secure manner, free from accidents, waste dumping and pollution. The Act further requires persons undertaking petroleum activities to establish and implement effective and safe systems for the disposal and treatment of waste, and the prevention of pollution resulting from petroleum activities in accordance with applicable enactments and best petroleum industry practices.<sup>60</sup>

Additionally, the Act requires that a person who undertakes petroleum activities in an area should conduct an environmental impact assessment, or any other relevant environmental statutory requirement as prescribed by the Environmental Protection Agency Act, 1994 (Act 490)<sup>61</sup> and the Environmental Assessment Regulations (LI 1652 of 1999). The Act also makes the Ghana National Petroleum Corporation oil contracting firms and their licensees liable for pollution damage caused by petroleum activities and the sanctions provided.

The Petroleum Commission Act, 2011 (Act 821), establishes the Petroleum Commission. Its mandate is to regulate and manage the utilization of petroleum resources, coordinate the policies relating to them<sup>62</sup>, and to monitor and ensure compliance with national policies, laws, regulations, and agreements relating to petroleum activities.<sup>63</sup>

The Ghana Shipping (Protection of Offshore Operations and Assets) Regulations, 2012 (L.I. 2010) mandates the Minister responsible for transport to establish safety zones around an offshore installation to protect it -either installed or being installed on the sea bed- within Ghana's maritime jurisdiction.<sup>64</sup> The Minister is also empowered to establish a temporary exclusion zone in an area within Ghana's maritime jurisdiction in the interest of safety or in the event of danger or imminent danger to the State, a person, a vessel, an installation, a structure, a device, or equipment. To protect the environment or to mitigate the spill's effect there may be established a temporary exclusion zone. The Minister is also authorized to establish protection areas around subsea pipelines and subsea cables.<sup>65</sup>

Furthermore, the Ghana Maritime Authority (GMA) has formally designated some areas around the Floating Production Storage and Offloading facilities as restricted areas (Advisory and Exclusion Areas). These areas cover an Advisory Zone with a 4-5 nautical miles radius and a 500 miles exclusion zone surrounding the floating facilities. These designations have been endorsed by the International Maritime Organization and appropriately mapped on international nautical maps per article 60 of UNCLOS.

<sup>60</sup> Act 919, sect. 81

<sup>61</sup> Ibid, sect. 82

<sup>62</sup> Act 821, sect. 2

<sup>63</sup> Ibid, sect.3

<sup>64</sup> L.I. 2020. Regulation 1

<sup>65</sup> Ibid, regulations 3, 5, 6

## 2.5 Marine environment and marine pollution

The key pieces of legislation forming the framework for the protection and preservation of the marine environment are the Maritime Pollution Act, 2016 (Act 932),<sup>66</sup> the Environmental Protection Agency Act, 1994 (Act 490), and the Environmental Assessment Regulations, 1999 (L.I. 1652).

The Maritime Pollution Act, 2016 (Act 932) domestically implements provisions of UNCLOS as well as the Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties and its Protocol; MARPOL 73/78; the OPRC; the London Protocol; the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties; the Fund Protocol 1992; and the 1992 CLC Protocol 1992.

Act 932 sets forth the responsibilities of the GMA as the principal authority for the enforcement of the provisions of this Act; prevention of pollution of the high sea; prevention of maritime pollution by dumping of waste and other matter at sea; prevention of pollution from ships; prevention of pollution by oil; control of pollution by noxious liquid substances in bulk; prevention of pollution by harmful substances carried in packaged form; prevention of pollution by sewage from ships; prevention of pollution by garbage; prevention of air pollution from ships; and oil pollution preparedness, response and cooperation.

Nevertheless, it should be noted that although Ghana has ratified or acceded to other instruments that directly affect the marine environment and shipping, it has yet to enact domestic legislation to implement them. These instruments include the Hong Kong Convention; the Basel Convention; the 1988 SOLAS Protocol; the International Convention on Load Lines 1966 and its 1988 Protocol; the Convention on the International Hydrographic Organization as amended by the 2005 Protocol; and the 1996 London Protocol. In addition, Ghana has not yet signed or ratified other relevant instruments, including the Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa, 1991;<sup>67</sup> the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea (HNS Convention), 1996;<sup>68</sup> International Convention on Civil Liability for Bunker Oil Pollution Damages, 2001; and the Nairobi International Convention on the Removal of Wrecks, 2007.<sup>69</sup>

### 2.5.1 Ship recycling

Given the growing trend of ship recycling or scrapping in Ghana where vessel scrapping increased from two in 2016 to 11 in 2020 (Kumi-Bruce, 2012), the enactment of domestic legislation to implement the Hong Kong Convention is particularly pertinent. The Convention aims to ensure that ships, when recycled after reaching the end of their operational lives, do not pose unnecessary risks to human health, safety and the environment. Ghana has ratified this Convention and became a contracting party in 2020.<sup>70</sup> In 2019, the Convention was presented to Ghana's Parliament for consideration to be enacted into domestic legislation, although this remains unpassed. The Basel Convention also deals with the treatment of scrapping of vessels. Ghana acceded to this Convention on 30 May 2003, but it is yet to be enacted into domestic legislation. Although there is currently no direct national legislation on ship recycling and scrapping, existing laws such as the Environmental Protection Act, 1994 (Act 490), Maritime Pollution Act, 2016 (Act 932), and the Ghana Shipping Act, 2003, cover ship recycling and scrapping.

<sup>66</sup> The Maritime Pollution Act, 2016 (Act 932), repealed and expanded the provisions of Oil in Navigable Waters Act, 1964 (Act 235).

<sup>67</sup> 2101 UNTS 177.

<sup>68</sup> The HNS Convention and the 2010 Protocol. Available at [www.hnsconvention.org/the-convention/](http://www.hnsconvention.org/the-convention/). Accessed on 17 December 2022.

<sup>69</sup> UNTS no. 55565.

<sup>70</sup> IMO. Circular HKSRC.1. Circ. 14.



Photo: Hen Mpoano

### 2.5.2 Climate change

Climate change threatens marine life including corals, shellfish and plankton. The projection is that the sea level will rise by 0.8 m by 2100,<sup>71</sup> which is expected to intensify coastal flooding and erosion, contaminate soils and groundwater, and impact ecosystems, coastal communities, and critical infrastructure, affecting 30 per cent of the population occupying the coastal zone. In addition, it is anticipated that ocean warming, and acidification will negatively impact marine fisheries by altering currents, upwelling and other factors, thus modifying marine fish habitats (UNDP, 2021).

Ghana adopted the National Climate Change Policy (NCCP) in 2013 as a general national policy to address the incidence of climate change. The NCCP comprises various areas including terrestrial, aquatic and marine life (Republic of Ghana, 2013). This Policy was developed within the context of the national sustainable development priorities, including achieving the objectives of the Ghana Shared Growth and Development Agenda 2010–2013.<sup>72</sup> The NCCP provides strategic direction and coordination of climate change issues in Ghana. While the NCCP acknowledges the challenges that climate change poses to coastal areas and communities, there are very limited national measures to specifically deal with the impact of climate change on maritime spaces and coastal zones.

<sup>71</sup> The National Climate Change Policy, 2013 estimates a sea level rise of 2.1 mm per year over the last 40 years in Ghana, with potential increases of 5.8 cm, 16.5 cm and 34.5 cm by 2020, 2050 and 2080, respectively.

<sup>72</sup> The Ghana Shared Growth and Development Agenda was prepared by the National Development Planning Commission (NDPC) in 2010.

### 2.5.3 Plastic pollution

It is estimated that plastics represent about 10-14 per cent of Ghanaian municipal solid waste at 1.1 million tonnes annually. This development contributes considerably to flooding from clogged drains and outbreaks of vector-borne diseases. Ghana is estimated to contribute approximately 1-3 per cent of global marine debris, calculated at between 92,000-260,000 tonnes annually, and the projection is that it will exceed 350,000 tonnes by 2050. It has been noted that plastic waste destroys marine life by way of entanglement, asphyxiation and toxicity. Plastic-derived leachates also contaminate surface and groundwater (UNDP, 2021).

The Hazardous and Electronic Waste Control and Management Act, 2016 (Act 917) defines plastic as hazardous waste, making the provisions of Act 917 applicable to plastics.

In 2019, Ghana joined the Global Plastic Action Partnership which established the Ghana Plastic Action Partnership. It serves as the national platform for multi-stakeholder cooperation, facilitating initiatives and funding to scale up and accelerate in-country partnerships that address plastic waste and pollution while simultaneously working towards achieving the sustainable development goals.<sup>73</sup> The Ghana Plastic Action Partnership collaborates with the Ministry of Environment, Science, Technology and Innovation (MESTI), the United Nations Development Programme (UNDP) and over 120 Ghanaian partners.

In 2020, Ghana adopted the revised National Plastics Management Policy to bring renewed focus and cohesion to the many existing policies and programmes within the public and private sectors to address the rapidly growing plastics pollution crisis in Ghana (Republic of Ghana, 2020a). The Policy notes in relation to marine pollution the following effects of plastics on the marine environment: entanglement and ingestion by wildlife, the alteration of habitats and the transport of alien species, the impact of chemicals associated with plastics waste and demonstrated pathways into the human food web.<sup>74</sup>

As a matter of priority, the Policy recommends the development of a National Roadmap for the adoption of this Policy and its Strategic Actions, to inform the development of Ghana's first Resource Mobilization Strategy. It also recommends establishing a robust regulatory framework to oversee the various activities mandated under this Policy, including the operationalization of a Resource Recovery Secretariat. It is expected that a secretariat will provide a centralized point for the achievement of the Policy, its strategic actions and any other programmes or activities that may be inspired by it.



Photo: Charles Smith (Environmental Justice Foundation)

## 2.8 Shipping and port activity

The Ghana Shipping Act, 2003 (Act 645)<sup>75</sup> is the principal legislation regulating shipping in Ghana. Act 645 implements several international conventions and treaties to which Ghana has become a party, relating to the nationality and registration of vessels, manning and certification of persons serving on a Ghanaian ship;<sup>76</sup> engagement and treatment of seafarers;<sup>77</sup> prevention of collisions and safety of navigation;<sup>78</sup> safety of life at sea;<sup>79</sup> load lines;<sup>80</sup> carriage of dangerous goods by sea; seaworthiness; wrecks and salvage wrecks;<sup>81</sup> maritime liens and mortgages;<sup>82</sup> and tonnage measurements.<sup>83</sup>

The Ghana Shipping Act (Amendment) Act, 2011, amended the Ghana Shipping Act, 2003, to define Ghanaian waters to include the waters in the safety zones around offshore installations and to enable foreign registered ships to apply for a permit to trade in Ghanaian waters.

The Ghana Shipping Act, 2003 is complemented by other relevant laws such as the Ghana Maritime Authority Act, 2002 (Act 630), Ghana Maritime Authority (Amendment) Act, 2011 (Act 825), Ghana Ports and Harbours Authority Act, 1986 (PNDCL 160). The roles and functions of the institutions established under these laws, namely, the GMA, Ghana Ports and Harbours Authority, and Ghana Shippers Authority are outlined in part III of this report.

<sup>75</sup> The Ghana Shipping Act 2003 (Act 645) repealed the Merchant Shipping Act, 1963 (Act 183) as severally amended. The Act seeks to consolidate and bring the law governing maritime activities in Ghana into conformity with the International Maritime Organization's (IMO) Conventions.

<sup>76</sup> International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978.

<sup>77</sup> Convention Concerning Wages, Hours of Work on Board Ship and Manning (Revised 1958).

<sup>78</sup> Convention on the international Regulation for preventing collisions at Sea (COLREG, 1972).

<sup>79</sup> International Convention for the Safety of Life at Sea, 1974, and its Protocol of 1978.

<sup>80</sup> Load Line Convention, 1966.

<sup>81</sup> International Convention on Salvage, 1989.

<sup>82</sup> International Convention for the unification of the rules relating to Liens and Mortgages, 1993.

<sup>83</sup> International Convention on Tonnage Measurement of Ships, 1969.

<sup>73</sup> The Global Plastic Action. Available at [globalplasticaction.org/countries/ghana/](https://globalplasticaction.org/countries/ghana/). Accessed on 17 December 2021.

<sup>74</sup> National Plastics Management Policy, 2020. Section Marine Pollution. p. 3.

## 2.9 Maritime safety and security

The main legal framework for maritime security and safety in Ghana are constituted by the Ghana Maritime Security Act, 2004 (Act 675), Ghana Maritime Security (Amendment) Act, 2011 (Act 824) and the Security and Intelligence Agencies Act, 2020 (Act 1030), the Ghana Armed Forces Act, 1962, (Act 105) which established the Ghana Armed Forces (including the Ghana Navy), and the Police Service Act, 1970 (Act 350) which established the Police Service of Ghana (including the Marine Police Unit).

The Ghana Maritime Security Act, 2004 (Act 675) was enacted to provide the legal framework required to enhance maritime safety and security required for Ghana's compliance with Chapter XI-2 of the International Convention for the Safety of Life at Sea, 1974 as amended, which Ghana has ratified and specifically with the International Ship and Port Facility Code. The application of this Act covers the following types of ships on international voyages:

- passenger ships, including high speed craft.
- cargo ships, including high speed craft of 500 gross tonnage or more;
- mobile offshore drilling units that are located within Ghana's maritime jurisdiction.
- pleasure craft.
- port facilities within Ghana's maritime jurisdiction that serve a ship;
- other offshore marine installations designated by the Minister by publication in the Gazette.<sup>84</sup>

The Act gives the GMA additional port and ship security responsibilities. It also addresses security levels for ship and port facilities; ship security plans; control and regulation of ships in Ghanaian Ports.

The Ghana Maritime Security (Amendment) Act, 2011 (Act 824) extended the provisions of the main Act to installations that are within the maritime jurisdiction such as the presence of the West African Gas Pipeline, fixed and mobile drilling units, floating storage units and other marine installations.

The object of the Security and Intelligence Agencies Act, 2020 (Act 1030) is to provide for the establishment of regional and district security councils, to specify and coordinate the activities of the agencies responsible for the security of the State and to protect and preserve the unity and stability of the State. This law operationalizes the National Security Council established by article 83 of the 1992 Constitution. It also creates regional and district security councils whose duty include providing early warning signals to the Government of the existence or likelihood of a security threat to the region, country or Government. The National, Regional and District Security Councils make its responsive to all manner of threats including maritime security and safety within Ghana and within the subregion.

The role in ocean governance of the Ghana Armed Forces, including the Ghana Navy, and the Ghana Police Services, including the Marine Police Unit, will be addressed in part III.

<sup>84</sup> Sect. 1, Act 675 as amended by Act 824. This Act shall not apply to ships owned or operated by the Republic of Ghana and used only for non-commercial activities; a warship, or a ship designated for naval, military, customs or law enforcement purposes; or (b) part of or the whole of a port that is (i) protected with security, and (ii) under the exclusive control of the Ghana Armed Forces.

# III. Ocean Governance Institutions In Ghana

## 3.1 National Institutional Framework

There is no central or single authority responsible for ocean governance in Ghana. Instead, there are several governmental agencies working under various ministries responsible for various aspects of ocean governance, such as fisheries regulation, maritime boundary delimitation, maritime security, petroleum exploitation and exploration, marine spatial planning, maritime transportation, marine pollution, etc. Figure 1 depicts the organogram of key institutions involved in ocean governance in Ghana.

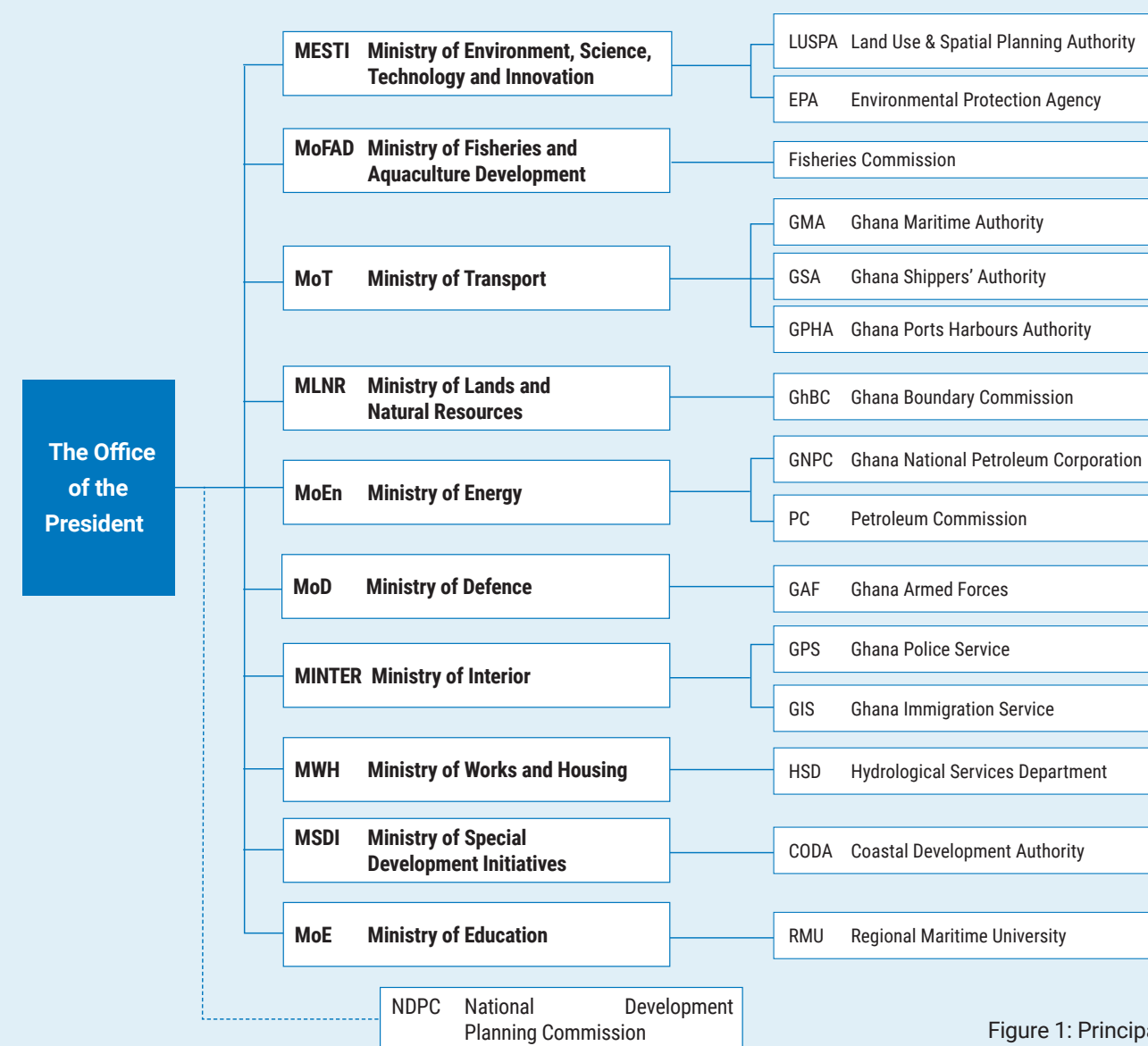


Figure 1: Principal institutional arrangements on ocean governance in Ghana



Photo: Hen Mpoano

## 3.2 Functions of relevant institutions in relation to ocean governance

The roles and responsibilities of relevant institutions concerning ocean governance in Ghana are discussed below.

### 3.2.1 Ministry of Fisheries and Aquaculture Development

The Ministry of Fisheries and Aquaculture Development was established in 2013. Its mandate is to develop the fisheries sector to allow it to contribute efficiently to the overall development of the economy of Ghana. MoFAD has oversight and management functions over the fisheries sector. It is also responsible for providing financial resources for the implementation of policies and supervision over implementing institutions and agencies. The Ministry has the specific responsibility to promote the sustainable management of the fisheries sector through scientific innovation, provision of policy guidelines, enhancement of the sector's institutional capacity, and facilitation of stakeholder collaborations.

In order to increase the voice of women in the fisheries sector, the MoFAD has spearheaded the formation of the Ghana National Fish Processors and Traders Association, a group largely made up of women. In addition, the Association advocated for the inclusion of at least one woman on each of the Landing Beach Committees (Torell et al., 2015). The Landing Beach Committees are responsible for managing pre-mix fuel sales and distribution.

Nevertheless, neither the Fisheries Act, 2002 (and its amendment) nor the draft National Fisheries and Aquaculture Policy addresses the issue of gender equity in the ocean space in Ghana. The relevant statutes and policies are focused mainly on capture fisheries, which are traditionally male-dominated.

#### 3.2.1.1 Fisheries Commission

The Fisheries Commission, which is the implementation agency of MoFAD, was set up by the Fisheries Act, 2002, (Act 625) as amended by the Fisheries (Amendment) Act, 2014 (Act 880). The Commission is responsible for the monitoring, control, surveillance, evaluation, and compliance functions in all areas of fisheries development and management in Ghana, including fish health, post-harvest activities, safety, and quality assurance.

#### 3.2.1.2 Fisheries Enforcement Unit

The Fisheries Enforcement Unit (FEU) assists in enforcing fisheries regulations. The FEU is an inter-agency entity made up of the Monitoring, Control and Surveillance Division of the Fisheries Commission, the Ghana Marine Police Unit and the Ghana Navy. A Navy Officer heads the FEU and the Head of the Monitoring, Control and Surveillance Division acts as Deputy.

### 3.2.2 Ministry of Environment, Science, Technology and Innovation

The Ministry of Environment, Science, Technology and Innovation is the lead institution mandated to ensure accelerated socioeconomic development of Ghana through the formulation of policies and a regulatory framework to promote the use of appropriate environmentally, scientific and technological practices and techniques across sectors and at all levels.<sup>85</sup> Specifically, its aims include the reduction of environmental pollution, sound environmental management and the enhancement of climate change resilience. Key agencies under the MESTI involved in ocean governance include the Environmental Protection Agency (EPA), the Water Research Institute of the Council for Scientific and Industrial Research and the Land Use and Spatial Planning Authority (LUSPA). In addition, MESTI is currently working with other agencies to develop an integrated oceans policy.

Regarding climate change, MESTI is responsible for the national environment portfolio and operates through several agencies to research and promote climate change issues. MESTI, is the Designated National Authority for the Clean Development Mechanism under the Kyoto Protocol. In addition, MESTI hosts the National Climate Change Committee. This Committee comprises representatives from relevant ministries, universities, research institutions, the private sector and non-governmental organizations. It has the mandate of reviewing policies and programmes to complement national priorities and contribute to reducing greenhouse gas emissions, increasing carbon sinks and adaptation. In 2020 the Government of Ghana launched the process to develop a National Adaptation Plan through effective stakeholder consultations and engagements, policy reviews and analysis, planning, implementation, budgeting, monitoring and reporting of programmes and projects, in its efforts to build nationwide resilience to climate change impacts. Through this Plan process vulnerability assessments are being carried out in several Districts that will lead to the development of climate scenarios and appropriate measures for long-term planning and building resilience.<sup>86</sup>

<sup>85</sup> Ministry of Environment, Science, Technology & Innovation. Available at [mesti.gov.gh/about-us/](http://mesti.gov.gh/about-us/). Accessed on 19 December 2022.

<sup>86</sup> National Adaptation Plan. Available at [napgh.com/](http://napgh.com/). Accessed on 19 December 2022.

### 3.2.2.1 Environmental Protection Agency

The Environmental Protection Agency was established by the Environmental Protection Agency Act, 1999 (Act 490) with the mandate to protect and enhance the country's environment, including the marine environment.<sup>87</sup> EPA is one of the agencies under the MESTI. The EPA uses the environmental assessment tool such as the Environmental Impact Assessment and Strategic Environmental Assessment, as per the Environmental Assessment Regulations, 1999 (L.I. 1652), to regulate any undertaking, including activities in the marine environment such as bunkering, oil exploitation and exploration, drilling at sea, and others that would or are likely impact the environment significantly.

To protect and preserve the marine environment from oil pollution, L.I. 1652 places an obligation on oil exploration companies to provide measures including preparation of contingency or emergency response plans to prevent and mitigate oil spill incidents in the Environmental Impact Statement. The plans must dovetail into the framework provided by the National Oil Spill Contingency Plan prepared and operationalized by the EPA to deal with oil spills incidents, especially within the marine environment in line with its functions. Various agencies, including Navy, the marine police and the GMA have responsibilities enforcing the legislation, as provided in the National Oil Spill Contingency Plan (EPA, n.d.)

Under the Maritime Pollution Act, 2016 (Act 932), the EPA collaborates with the GMA on matters of regulating maritime pollution of subjects within the Ghanaian domain.<sup>88</sup>

The EPA is also the lead institution for activities under the United Nations Framework Convention on Climate Change in the country. It is the main Country Implementation Institution for the technical coordination of activities on climate change such as the Green Climate Fund Readiness Project on the National Adaptation Plan project at EPA and other environmental conventions ratified by Ghana.

### 3.2.2.2 Land Use and Spatial Planning Authority

The Land Use and Spatial Planning Authority was established by the Land Use and Spatial Planning Act, 2016 (Act 925). The LUSPA is responsible for ensuring the sustainable development of land and human settlements through a decentralized planning system, ensuring judicious use of land and creating an enabling environment for District Assemblies to better perform the spatial planning and human settlement management functions. LUSPA replaced the Town and Country Planning Department which did not have the legal mandate for marine spatial planning. Section 45 and 46 (1) of Act 925 bridged this gap by defining the Planning Area of Ghana to include the marine space. LUSPA was actively involved in issues relating to the marine environment during the implementation phase of an Integrated Oceans Management Initiative Pilot Project (2019-2021) titled Ecosystem-Based Approach to an Integrated Marine and Coastal Environment Management in Ghana.

<sup>87</sup> Environmental Protection Agency Act 1994, (Act 490).

<sup>88</sup> Sect.187, Maritime Pollution Act, 2016 (Act 932).

### 3.2.3 Ministry of Transport

The Ministry of Transport is responsible for the creation of an integrated, modally complementary, cost-effective, safe, secure, sustainable and seamless transportation system responsive to the needs of society, supporting growth and poverty reduction and capable of establishing Ghana as a transportation hub of West Africa. It was formed in 2001 by the merger of the Ministry of Road and Highways and the Ministry of Transport and Communications. It governs maritime transport through the GMA, the Ghana Ports and Harbour Authority and the Ghana Shipper's Authority.

#### 3.2.3.1 Ghana Maritime Authority

The Ghana Maritime Authority was established by the Maritime Authority Act, 2002 (Act 630) as amended by Ghana Maritime Authority (Amendment) Act, 2011 (Act 825). The GMA, which falls under the Ministry of Transport, is responsible for enforcing international maritime conventions and national rules and regulations, according to the Ghana Shipping Act, 2003 (Act 645). The Authority regulates maritime transport, port and vessel activities, and marine waste management. Its operations are also guided by the National Transport Policy<sup>89</sup>, Ghana Maritime Security (Amendment) Act, 2011 (Act 824), and Maritime Pollution Act, 2016 (Act 932). Under the Maritime Pollution Act, 2016 (Act 932), the GMA is designated as the regulatory authority in collaboration with EPA and other institutions on matters regulating maritime pollution within Ghana.

The GMA plays superintendence and coordination roles. These roles include registration of ships, regulating the manning of ships and related functions; surveys, inspection and certification of ships along with associated activities; examination and certification of seafarers; conducting inquiries/ investigations into shipping casualties; handling matters about preventing/control/combating of maritime pollution; dealing with matters pertaining to maritime search and rescue; and general matters related to crew onboard vessels. The GMA is also tasked with ensuring the safety of fishing vessels and other small craft, dealing with wrecks in national jurisdiction; advising the Government on all (marine) technical matters; port state control (general safety inspection); adoption and implementation of international maritime conventions; and the appointment of classification societies to act on behalf of the administration. It is also the responsibility of the GMA to regulate and certify radios and radio operators of ships Global Maritime Distress and Safety System in conjunction with the Telecommunications Divisions.

The role of the GMA in maritime safety and security is enshrined in the Ghana Maritime Security Act, 2004 (Act 675), as amended by the Ghana Maritime Security (Amendment) Act 2011 (Act 824). It vests the GMA with the responsibility to implement the SOLAS 1974 Convention and the International Ship and Port Facility Code.

The GMA also has the mandate to address maritime search and rescue matters, and to coordinate activities with Ghana Armed Forces, the Ghana Ports and Harbour Authority and any other relevant institution(s) during search and rescue operations.

<sup>89</sup> National Transport Policy Republic of Ghana, (2020).



### 3.2.3.2 Ghana Ports and Harbours Authority

The Ghana Ports and Harbours Authority was established by the Ghana Ports and Harbours Authority Act, 1986 (PNDCL 160), with the main functions of providing, maintaining and regulating port facilities and offering pilotage and towage services.<sup>90</sup> This Authority is also responsible for the planning, development, and operation of Ghana's commercial seaports and fishing harbours and provides some of the cargo handling services at the ports of Tema and Takoradi. In addition, it is charged with the total management of all the seaports including water pollution and the aversion of major accidents within the ports and their immediate environs.

### 3.2.3.3 Ghana Shippers' Authority

The Ghana Shippers' Authority (GSA) was established in 1974 by the Ghana Shippers' Council Decree, 1974 (NRCDC 254), which was later changed to Ghana Shippers' Authority. The GSA's primary objective is to protect and promote the interests of shippers in Ghana, concerning the port, ship, and inland transport challenges to ensure safe, reliable and cost-effective cargo handling. GSA's activities are also regulated by the Ghana Shipping (Protection of Offshore Operations and Assets) Regulations (L.I. 2010) of 2012 and the Ghana Shippers' Authority Regulations, 2012 (L.I. 2190).

The GSA also plays a key role in providing shipping facilities to its landlocked neighbours such as Burkina Faso, Niger, and Mali. The GSA has signed Memoranda of Understanding with its counterparts in those countries in implementing article 125 of the Convention on the transit rights of landlocked States. These agreements are operated through National Technical Committees that meet twice yearly to measure performance and assess areas that require review.

The Ghana Shippers' Council had been established to implement the 1974 United Nations Convention on Code of Conduct for Liner Conferences in Ghana upon Ghana's ratification of this Convention in 1975. This Convention was one of the attempts by developing countries to benefit from the new international economic order by establishing a foothold in shipping, including cargo control. Over time there has been a shift from the liner conference to arrangements to a liberalized market. Currently, the Ghana Shippers' Authority provides negotiation services and related port shipping arrangements with shipping lines and ports for the benefit of shippers.

## 3.2.4 Ministry of Energy

The Ministry of Energy is responsible for energy policy formulation, implementation, monitoring and evaluation, as well as supervision and coordination of activities of energy sector agencies, including the Petroleum Commission, the National Petroleum Authority, and the Ghana National Petroleum Corporation. The Ministry of Energy was renamed the Ministry of Energy and Petroleum in 2012 and again split into the Ministries of Petroleum and Power in November 2014. In 2017, these two ministries merged to create the current Ministry of Energy.

### 3.2.4.1 Ghana National Petroleum Corporation

The Government introduced the first legislative framework for upstream oil and gas activities in Ghana in the 1980s. The Ghana National Petroleum Corporation Act, 1983 (PNDCL 64) established the Ghana National Petroleum Corporation. The Corporation's objectives are to undertake petroleum exploration,

<sup>90</sup> Ghana Ports and Harbours Authority Act, 1986 (PNDCL 160), sect. 4-5.



Photo: Charles Smith (Environmental Justice Foundation)

development, production and disposal. In 1984, the Petroleum (Exploration and Production) Act, 1984 (PNDCL 84) was enacted to provide a legislative and institutional framework for the exploration and production of petroleum in the country. Thus, GNPC is now the national oil company representing Ghana Government's stake in all petroleum agreements. As an active player in hydrocarbon exploration and exploitation, it is obliged to faithfully comply with the laws and regulations governing the orderly exploration of hydrocarbons in Ghana's maritime spaces, including its activities in the territorial sea, exclusive economic zone and on the continental shelf.

### 3.2.4.2 Petroleum Commission

The Petroleum Commission was established by the Petroleum Commission Act, 2011 (Act 821) to regulate the upstream petroleum sector. Section 3 provides that the functions of the Commission shall include the regulation and management of the utilisation of petroleum resources and coordination of policies in relation to them. The Petroleum Commission is responsible for ensuring efficient conduct of petroleum operations with respect to the development of petroleum transportation, processing and treatment facilities; and decommissioning plans for petroleum fields and infrastructure. By the combined reading of the Petroleum Commission Act, 2011 and the Petroleum (Exploration and Production) Act, 2016 (Act 919), the Petroleum Commission plays a critical role in ocean governance in relation to hydrocarbon exploration and management to the extent that it is statutorily mandated to regulate and manage petroleum activities in the entire territory of Ghana including its territorial sea, exclusive economic zone, and the continental shelf.<sup>91</sup> The Petroleum Commission is responsible for the sustainable management of petroleum resources without compromising the marine and maritime environment.

## 3.2.5 Ministry of Defence

The Ministry of Defence was established in 1957 with the mandate of formulating and managing the implementation of policies aimed at safeguarding the sovereignty and territorial integrity of the nation as well as ensuring the protection of life and property.

<sup>91</sup> Act 919, sections 1, 3 and Act 821, sections 1-3.



Photo: Charles Smith (Environmental Justice Foundation)

### 3.2.5.1 Ghana Navy

The Ghana Armed Forces Act, 1962, (Act 105) established the Ghana Armed Forces, including the Ghana Navy. The Ghana Navy traces its origins to the Gold Coast Naval Volunteer Force formed during World War II. Its objective was to conduct seaward patrols to ensure that the coastal waters of the colony were free from mines. It is currently primarily responsible for safeguarding the coast of Ghana against external aggression and invasion, as well as the monitoring, control and surveillance of fishing activities in Ghana's territorial waters and exclusive economic zone; combating criminal activities such as piracy/armed robbery at sea, smuggling of illicit drugs, stowaways and dissident activities; disaster and humanitarian relief operations, search and rescue, and other mercy missions at sea. Through a set of inter-agency agreements with its collaborators, the Navy carries out its activities with relevant key stakeholders such as the Environmental Protection Agency, Ghana Police, Ghana Immigration Services, Ghana Ports and Harbours Authority, the Narcotics Control Commission and the Fisheries Commission. For example, the Navy is actively cooperating to prevent activities that may cause transboundary pollution and it is jointly developing and promoting contingency plans for responding to pollution incidents.

## 3.2.6 Other relevant institutions

### 3.2.6.1 Marine Police Unit

The Marine Police Unit is part of the Police Services of Ghana under the Ministry of Interior. The Ghana Marine Police is regulated by the Police Services Act, 1970 (Act 350), the Police Service Regulations, 2012 (C.I. 76) and Police Service Instructions, 2018. The Ghana Police Marine Unit was re-established in April 2011, as its predecessor, the Water Police, was disbanded in 1942.<sup>92</sup> This re-birth partially fulfilled the Security Master Plan for the Oil and Gas Industry in Ghana and the Unit was officially inaugurated in June 2013. The Unit was merged with the Railways and Ports Police in line with Police Service Regulations, 2012 (C.I. 76) to become one of the departments of the Ghana Police Service.

In terms of the extent or scope of jurisdiction, the Ghana Marine Police has jurisdiction over the territorial sea, contiguous zone, exclusive economic zone and the continental shelf by virtue of articles 4 and 257(6) of the 1992 Constitution and the Maritime Zones (Delimitations) Act 1986 (PNDCL 159). The Ghana Marine Police is tasked with maintaining law and order, preventing and detecting crime, apprehending offenders and maintaining public order and the safety of persons and property in these zones. By way of inter-agency collaboration with other State actors, the Marine Police carries out these activities to address issues relating to customs, fiscal, sanitary and immigration matters up to both the territorial sea and the contiguous zone. However, the Marine Police Unit is unable to operate on the offshore oil installations and exploration and exploitation of oil extraction operated by the international oil companies at Cape Three Point and Deepwater Tano which is in Ghana's continental shelf area.<sup>93</sup>

The Marine Police collects evidence for purposes to prosecute offences committed within Ghana's territory or ocean spaces where Ghana has rights under UNCLOS. In 2014, the Police Service created the Criminal Investigations and the Legal and Prosecution (Courts) Unit at the Eastern Command, Tema, and Western Command, Takoradi headed by Senior Police Officers to investigate and prosecute maritime cases.<sup>94</sup>

### 3.2.6.2 Ghana Boundary Commission

The Ghana Boundary Commission Act, 2010, (Act 795) established the Ghana Boundary Commission under the Ministry of Lands and Natural Resources. The Commission is mandated to coordinate and address issues of land border demarcation as well as maritime boundary delimitation. To this extent, the Commission's mandate is to negotiate maritime boundaries between Ghana and its neighbours; whenever determined by the Board, place buoys, or other maritime markers along some or all of the course of Ghana's maritime boundaries; advise the Government on the most appropriate strategy for the negotiation of land or a maritime boundary; advise Government on international conventions in relation to the country's borders and the signing and ratification of treaties related to land and maritime boundaries; and address issues related to the use of natural resources that straddle land and maritime boundaries. Although Act 795 does not expressly indicate that delineation of the extended continental shelf falls within the ambit of the Boundary Commission, to the extent that the delineation deals with extent of continental shelf that Ghana has rights to explore and exploit under UNCLOS, delineation of the extended continental shelf comes within the scope of the Commission.

The Commission works in collaboration with other stakeholders such as the Maritime Boundary Secretariat established under the Office of the President, which was the focal point in coordinating maritime boundary dispute-related activities before the Ghana Boundary Commission became fully operational. It also work with various relevant ministries such as the Ministry of Justice and the Attorney-General Department, the Ministry of Finance, and the Ministry of Foreign Affairs and Regional Integration.

### 3.2.6.3 Immigration Service

The Ghana Immigration Service was established by the Immigration Service Act, 2016, (Act 908) under article 190 of the 1992 Constitution. The Immigration Service falls under the Ministry of Interior and its objectives are twofold: first, it is responsible for ensuring the effective administration and management of migration in the country; second, it contributes to national security. In terms of its functions, the Immigration Service is mandated, among others, to manage and patrol the borders of Ghana including its maritime borders.

<sup>92</sup> Ghana Police Service. Available at [police.gov.gh/en/index.php/marine-ports-railways/](http://police.gov.gh/en/index.php/marine-ports-railways/). Accessed on 19 December 2022.

<sup>93</sup> Marine Police Response dated 12 April 2022 to Draft Ocean Governance Report, paragraph 4.

<sup>94</sup> Ibid, paragraph 3.

#### 3.2.6.4 Narcotics Control Commission

The Narcotics Drugs (Control, Enforcement and Sanctions) Law was enacted in 1990 (PNDCL 236). The Law provides for the establishment of the Narcotics Control Board. This Board has now been replaced by the Narcotics Control Commission by the Narcotics Control Commission Act, 2020 (Act 1019). The Commission is the central coordinating body mandated to address drug abuse and illicit drug trafficking in Ghana. The Commission is responsible for arresting and prosecuting illicit drug trafficking including trafficking by sea. The Commission undertakes this mandate in collaboration with other institutions such as the Immigration Service, Police, National Security and the Attorney-General's Office. The Narcotics Control Board is under the Ministry of the Interior. However, the Narcotics Control Commission is expected to be an autonomous institution.

#### 3.2.6.5 Hydrological Services Department

The Hydrological Services Department falls under the Ministry of Works and Housing and is responsible for the programming and coordination of coastal protection works, construction and maintenance of storm drains countrywide and the monitoring and evaluation of surface water bodies in respect of floods. In addition, the Department has played key roles in constructing sea defence mechanisms in erosion-prone areas such as Keta, Ada, and Axim.

In 2022, Parliament passed the Ghana Hydrological Authority Bill. When assented to by the Executive, it will establish the Ghana Hydrological Authority, which will be responsible for planning, design, execution, operation, and maintenance of flood control mechanisms, coastal engineering works, drainage improvement works, and operational and applied hydrology in Ghana.

#### 3.2.6.6 National Development Planning Commission

The National Development Planning Commission (NDPC) was established under article 86 of the 1992 Constitution and the National Development Planning Commission Act, 1994 (Act 479). The NDPC is mandated among others to make proposals for the protection of the natural and physical environment and to ensure the even development of the districts of Ghana by the effective utilisation of available resources. The NDPC makes proposals and recommendations covering ocean resources and the blue economy (Republic of Ghana, 2021a). By the very nature of the mandate of the NDPC, it interacts with all relevant ministries, agencies and departments in the country. The NDPC also serves as the national coordinating body of the decentralized national development planning system within the legal framework established by the National Development Planning (System) Act, 1994 (Act 480). In this capacity, the NDPC collaborates with the planning activities of the District Planning authorities, the Regional Coordinating Councils and ministries.

#### 3.2.6.7 Coastal Development Authority

The Coastal Development Authority is an agency under the Ministry of Special Development Initiatives. It was established by the Coastal Development Authority Act, 2017 (Act 961) with the mandate to accelerate economic and social development in coastal zones; mobilize public resources, including financial resources and private and public investments; coordinate development activities; and formulate and implement initiatives towards achieving gender equality and empowerment of vulnerable groups in coastal zones. The Coastal Development Authority cooperates with key statutory institutions including the NDPC, ministries, departments, agencies, district assemblies and other entities to ensure conformity with the national development plan to avoid duplication of functions.

#### 3.2.6.8 Educational and research institutions

The Regional Maritime University, located in Accra formerly known as the Ghana Nautical College and the Regional Maritime Academy, is an international tertiary institution founded by Cameroon, Gambia, Ghana, Liberia, and Sierra Leone. It provides teaching and learning with a focus on maritime education and training. The institution became a fully-fledged university in 2007 when it received its University Charter.

The mandate of the Marine and Fisheries Department of the University of Ghana is to train students to understand the physical, biological, geological, and chemical functioning of marine and other oceans aquatic ecosystems; and of the fisheries through research and training of professionals in marine and freshwater science for effective and sustainable exploitation of Ghana's marine and other aquatic resources. It offers Bachelor, Master, and PhD programmes.

In 2021, the University of Ghana School of Law started the Ocean Governance Project in collaboration with the Norwegian Centre for the Law of the Sea and with funding from the Norad. The Project aims to spearhead research and teaching in ocean governance in Ghana and beyond. The Ocean Governance project is expected to be converted into a regional centre in the medium to long-term. Under this Project, a Master of Laws in Maritime Law and Ocean Governance and Master of Arts in Ocean Governance will start in the 2022-2023 academic year.

The Department of Fisheries and Aquatic Sciences at the University of Cape Coast trains undergraduate students in Fisheries and Aquatic Sciences, while the graduate programmes (Master and PhD) are in Aquaculture, Fisheries Science, Oceanography and Limnology; and Integrated Coastal Zone Management.

The Centre for Maritime Law and Security Africa is an independent, non-profit institution based in Accra.<sup>95</sup> It was established in 2014 to promote effective national and regional policy responses to ocean governance issues and maritime security in Africa through analysis of policy, expert-driven deliberation, capacity-building and research. The Centre has, over the years organized capacity-building training programmes for persons from relevant ministries, departments, and agencies not only in Ghana but across the sub-region.

Ghana has benefitted from the marine scientific research activities of the research vessel DR. Fridtjof Nansen, owned by Norad and currently operating within the FAO EAF-Nansen Project. The Institute of Marine Research operates the research vessel. From about 1990 to 2016, Ghana benefitted from the survey and research activities of the vessel. Personnel/officers from various institutions, including the Fisheries Commission (Marine Fisheries Research Division), the Environmental Protection Agency, the University of Cape Coast, the University of Ghana, and the Survey Department, benefitted from capacity development in fishery research and management (Groeneveld and Koranteng, 2017). Additionally, from 2009 to 2012, fishery data and environmental baseline data were collected in the waters of Ghana before the commercial production of oil.

<sup>95</sup> CEMLAWS Africa, 2021. [www.cemlawsafrica.com/about-cemlaws-africa/](http://www.cemlawsafrica.com/about-cemlaws-africa/). Accessed on 7 March 2022.



Photo: Charles Smith (Environmental Justice Foundation)

## IV. Governance Frameworks Applicable To Selected Priority Sectors

### 4.1 Marine Fisheries

The fisheries resources of Ghana have long been a pillar of the national economy. It is estimated that fishery resources constitute about 60 per cent of the animal protein consumed in Ghana and provide livelihoods for about 10 per cent of the population (MoFAD, 2021). Marine fisheries are mainly open access and consist of largely small-scale artisanal, multi-gear fisheries, operated from over 14,000 dugout canoes that contribute about 70 per cent of the total marine fish landings, mostly comprising small pelagic species. In addition, the sub-sector is operated by about 10,916 motorized canoes from about 300 landing sites. There are also about 105 industrial vessels comprising 72 trawl vessels and 33 tuna vessels, as well as over 300 semi-industrial vessels.

Under the Fisheries Act, 2002 (Act 625), industrial fishing vessels and large semi-industrial fishing vessels are not allowed to fish in the Inshore Exclusive Zone which corresponds to areas from the coastline to 6 nautical miles seaward or below 30 m depth, while artisanal fishing canoes are permitted to fish within those areas.<sup>96</sup> However, many industrial fishing vessels simply defy this provision, resulting in the depletion of the fish resources.

In terms of IUU fishing, Ghana has not been spared the menace of illegal fishing methods and has caught the attention of international bodies. One of the most inimical of IUU fishing practices is the transshipment of fish at sea. This practice, popularly called “Saiko”, refers to situations where industrial trawlers illegally

<sup>96</sup> Act 625, sect. 81(1), and Schedule.

target the staple catch of small-scale canoe fishers and transfer it to specially adapted boats at sea for sale at the local markets. This practice has serious adverse effects on Ghana’s small pelagic fish populations. Also, the sardinella catch is already on the verge of collapse, with landings having decreased by 80 per cent over a period of two decades (EJF, 2021). In 2013, the European Union (EU) banned the import of fish from Ghana into its market because of poor fisheries management and the rising IUU fishing in Ghanaian waters (EJF, 2020). However, the ban was lifted in 2015 after Ghana made significant progress by amending its fisheries laws, developing a fisheries management plan for the period 2015-2019 for the marine fisheries and embarking upon active patrols and enforcement by the Fisheries Enforcement Unit.

A new draft Marine Fisheries Management Plan 2022-2026 to replace the 2015-2019 Plan, discussed further below, was validated in February 2022 (MoFAD, 2022). This was developed partly in response to another “yellow card” issued by the EU in 2021, indicating that Ghana was not cooperating in the fight against IUU fishing. Indeed, Ghana is on record to be the only country to have been given the ‘yellow card’ on two different occasions.

In a recent report, the EU catalogued some of Ghana’s challenges with IUU fishing as follows:

- Illegal transshipment at sea of large quantities of juvenile undersized pelagic species between industrial trawl vessels and canoes in Ghana’s waters.
- Deficiencies in the monitoring, control and surveillance system of the Ghanaian flagged vessels. These deficiencies undermine the reliability of the traceability system used for the certification of the legality of the fisheries products.
- Sanctions imposed on vessels engaging or supporting IUU fishing activities are ineffective and deterrent, not depriving offenders of the benefits from the serious violations committed. Sanctions are also not commensurate with the value of illegal catches.
- The current fisheries legal framework is not aligned with the relevant international obligations of Ghana.
- Ghana has not duly implemented the conservation and management measures the country developed (European Commission, 2021).

The European Commission’s report further notes that implementation and enforcement actions of Ghana’s commitments to its international obligations have been insufficient. Furthermore, if Ghana fails to take remedial actions, the EU may consider proceeding to give Ghana a “red card” and listing it as a non-cooperating country thereby banning Ghanaian fisheries products.

Relating to the enforcement of fisheries regulations, poor logistical support for the Fisheries Enforcement Unit has been noted as one of the challenges facing the sector. These challenges hamper the work of the FEU in maintaining a visible presence at sea and the fishing landing sites. Furthermore, the sector is faced with the challenge of using prohibited fishing and using unregistered canoes to engage in fishing.<sup>97</sup>

In terms of management and investment in the fisheries sector, too little investment in the management and value addition to fishery resources and too many vessels catching few fish are some of the key issues identified. For example, it has been reported that it costs more to catch and manage fisheries in Ghana than the return on investment to the economy in income. These economic losses directly impact fishing communities because fishing costs are starting to exceed the amount of income generated (Republic of Ghana, 2011). In terms of the role of women in ocean resource management, the FAO has noted that women represent nearly half of the estimated 180 million people worldwide working in the fisheries and

<sup>97</sup> Ali, K-D, *supra* at 391.

aquaculture sector. From fisheries and labour at sea to migration and human trafficking via waterways, gender equality is critical to the effective protection and sustainable management of the ocean and marine resources (UN, 2020).

In the fisheries sector, women play very important roles such as owning fishing vessels, financing fishing trips, and managing the marketing and pricing of fish. The post-harvest sector is dominated largely by women who make up a majority of the fish processors and marketers (Republic of Ghana, 2020b). To make sustainable positive changes in gender equality, it is vital to recognize the critical role they play within the fisheries sector and put in place mechanisms to promote and protect women's rights to participate in all aspects of marine, coastal and inland water fisheries governance and management as well as seek to improve access of women to fish and fish markets, particularly through the provision of credit at affordable rates (MoFAD, 2021).

### 4.1.1 Overview of relevant policy frameworks

In addition to the legislation discussed in part II of this report, institutional policies guide and complement one another in the governance of the marine fisheries sector in Ghana. These are the Co-Management Policy for the Fisheries Sector, 2020; the draft Ghana National Fisheries and Aquaculture Policy, 2021; and the draft Marine Fisheries Management Plan 2022-2026.

Central to these policies is not only the desire to utilize the living resources to promote economic growth in the country but also to ensure that their utilization is guided by the protection and preservation of the marine environment, the involvement of all relevant stakeholders, and the cooperation at the regional, sub-regional and international levels.

#### 4.1.1.1 Co-Management Policy for the Fisheries Sector, 2020

The Co-Management Policy for the Fisheries Sector, 2020, seeks to achieve enhanced participation of the fisheries resource users in management delegating management decision-making from the central authority to local management authorities. Specifically, the Policy seeks to develop the modalities and institutional framework to delegate governance and management authority and responsibility to resource users; create and develop capacities of co-management units to empower the units to develop management plans and implement them in support of national fisheries laws. It further aims to develop linkages among local stakeholders for enhanced co-management and learning at all levels and increase adherence to fisheries laws and regulations (MoFAD, 2020b).<sup>98</sup> The policy implementation is guided by the general principles of participation, accountability, transparency, equity, trust, and respect.

The Fisheries Commission is mandated with primary responsibility for the implementation of this Policy under the general supervision of the Ministry of Fisheries and Aquaculture Development. Delegation of management authority is designed to be done on the scale of management units depending on the nature of the fish species and the approach of delegation or management. For example, managing large and small pelagic migratory fish species requires international cooperation and is, therefore, managed at the national level. Other species such as shellfish and some demersal species can be managed at the community, regional and national levels. However, decentralisation to local government units such as the District Assemblies is not considered appropriate due to current difficulties in implementing

decentralised authorities already granted to the districts and due to the lack of technical capacity for fisheries management among district assembly personnel as well as migration of fish stocks.

Several institutions and associations have key roles to play in implementing this Policy, which include the different co-management committees. Small-scale co-management committees operating at the site level are responsible for particular stocks and are confined to specific geographic areas. These community-based co-management committees consist of stakeholders directly engaged in and benefiting economically from the fishery concerned and must have women representation. Large-scale co-management committees operate on a regional or national level and must have representation from stakeholder groups. These committees may include a small pelagics committee, a large pelagics committee and a demersal committee. Landing Beach Committees, academia and civil society groups also play critical roles in the implementation of the Policy (MoFAD, 2020b).

#### 4.1.1.2 Draft Ghana National Fisheries and Aquaculture Policy

The Draft Ghana National Fisheries and Aquaculture Policy would replace the 2008 National Fisheries and Aquaculture Policy. The Policy seeks to establish specific management and conservation measures based on regular assessments of the status of fish stocks and associated aquatic environment; to ensure the sustainability of commercial fisheries through appropriate regulations; to protect and improve the aquatic environment, including biodiversity and habitats; to improve the effectiveness of stakeholder institutions and mechanisms for co-management; and to establish specific management and conservation measures. Furthermore, it aims to ensure the sustainability of commercial fisheries through appropriate regulations; protect and improve the aquatic environment, including biodiversity and habitats; improve the effectiveness of stakeholder institutions and mechanisms for co-management; combat IUU fishing through appropriate regulations and effective monitoring, control and surveillance systems; to promote national and international collaboration for coordinated fisheries management and conservation. The stakeholders responsible for implementing this Policy are the Government, civil society organizations, aquaculture/fish farmer associations, aquaculture training, tertiary and research institutions, and law enforcement authorities through effective collaborations.

The draft Ghana National Fisheries and Aquaculture Policy also mentions developing a Blue Growth Initiative and Blue Economy which was considered as a means for the achievement of Sustainable Development Goal 14, although work on this initiative seems yet to have commence.

#### 4.1.1.3 Draft Marine Fisheries Management Plan 2022-2026

The draft Marine Fisheries Management Plan 2022-2026 has been prepared under section 42 (1) of the Fisheries Act, 2002 (Act 625), which mandates the Fisheries Commission to prepare management plans for the fisheries sector. It was developed to replace the Fisheries Management Plan 2015-2019 and is based on lessons learned and other scientific data (MoFAD, 2022).

The Draft Fisheries Management Plan 2022-2026 would establish a Fisheries Management Operational Committee (FMOC) as an Advisory Committee to the Fisheries Commission on implementing the Fisheries Plan. The membership of the FMOC includes representatives of fisher associations in the marine fishing sector, the Fisheries Commission, the Ministry of Fisheries and Aquaculture Development, academia and civil society organizations, the GMA and the EPA. The committee members must possess skills, knowledge and experience in the fishing sector and the conservation and management of fisheries resources. The Draft Marine Fisheries Management Plan 2022-2026 envisages that members of the FMOC will provide regular updates on actions implemented in their respective constituencies to guide annual reviews and improvements on the management plan, particularly in relation to advancements in

<sup>98</sup> Co-Management Policy for the Fisheries Sector, paragraph 2.3.

knowledge and management during the course of implementing the Plan. Additionally, it is expected that the establishment of the FMOC will allow fishers to participate in policy formulation and implementation. This factor should engender ownership, transparency and trust between Government and the fisher folk.

The core functions of the FMOC are: to develop annual operational plans and implementation guidelines, based on emerging trends and lessons learned to ensure effective implementation of fisheries management plans; contribute to the development of financial plans for the implementation of activities; develop key performance protocols for effective monitoring, evaluation and annual review of the Plan; contribute to developing a communication strategy for the socialization of the Plan; improve inter-sectoral collaboration and coordination for the efficient implementation of actions outlined in the Plan; and to initiate processes for the development of a new fisheries management plan upon the expiration of the existing one.

The other committees to be established under the new Fisheries Management plan are the Scientific and Technical Committee and the Marine Protected Area Technical Advisory Committee.

The Scientific and Technical Committee's functions include: conducting assessments of the status of key fish stocks that are of economic and national importance; making determinations on the status of fish stocks; setting target reference points for biomass and fishing mortality to end overfishing; making recommendations to the Fisheries Commission and other national level co-management committees concerning management measures that are needed to rebuild stocks that are overfished and prevent the overfishing of stocks that have not yet been fully exploited or underexploited; assist the Fisheries Commission with independent fisheries data analyses when required; reviewing Closed Season assessment reports; and making recommendations to guide the implementation of subsequent closures towards the recovery and sustainable management of Ghana's marine fishery.

The Technical Advisory Committee serves as a sub-committee of the FMOC, in light of the considerations by MoFAD and the Fisheries Commission to develop and implement a strategy for establishing and operationalizing Marine Protected Areas (MPAs) in Ghana in collaboration with relevant stakeholders. The Committee's six members are drawn from the Fisheries Commission, Environmental Protection Agency, the Land Use and Spatial Planning Authority, the Ghana National Canoe Fishermen Council, the Department of Marine and Fisheries Sciences of the University of Ghana and Hen Mpoano (a non-governmental organization).

The functions of the Technical Advisory Committee include providing technical advisory support services for planning, establishment, and implementation of marine protected areas, particularly for small pelagic fisheries management and recovery, reviewing fisheries management and MPA strategies and making recommendations on the implementation of MPA strategies to the Fisheries Commission and other relevant institutions. Additional functions include the engagement of policymakers and regulators to advocate for political will and commitment for the establishment of MPAs; providing support during stakeholder consultations and validation processes to inform decision-making on the establishment and operation of MPAs; support capacity-building activities for the planning, establishment, and implementation of MPAs; reviewing MPA management plans; and making recommendations for approval as specified by the Fisheries Act, 2002 and the relevant regulations.



Photo: Hen Mpoano

## 4.2 Maritime Security

Ghana is located on the Gulf of Guinea on the Atlantic Ocean, a busy shipping area connecting many countries and providing a major source of revenue for oil-producing countries along its coastline. It is located partly in the North and partly in the South Atlantic Ocean, along the Western and Central African coasts with 17 coastal and two island States.

Associated with the heavy maritime traffic within the Gulf of Guinea region are issues relating to maritime security. With an increasing number of vessels operating in the area, regulatory and law enforcement agencies are under pressure to address maritime security issues such as IUU fishing, piracy and armed robbery, as well as the trafficking of drugs and people and transport of illegal goods by sea (Asiamahe and Dalaklis, 2019). For instance, estimates indicate that there has been a 34 per cent increase in actual and attempted pirate attacks in 2020 in the Gulf of Guinea. Similarly, there has been a rise in the number kidnapping cases for ransom and hostage-taking; in 2020, 130 out of 135 persons kidnapped globally were reportedly abducted in the Gulf of Guinea (Republic of Ghana, 2021b).

Section 17 of the Courts' Act 1993 (Act 459) gives the High Court exclusive jurisdiction to try an act of piracy.<sup>99</sup> Piracy is defined in section 193 of Ghana's Criminal and Other Offences Act, 1960 (Act 29), which predates the definition of piracy in UNCLOS. It has been mentioned that this definition incorporates a colonial vestige that dealt with sovereigns which no longer applies (Kamal-Deen, 2017). Consequently, Ghana experienced prosecutorial challenges when it arrested eight Nigerian nationals accused of piratic activities when they entered Ghana's territorial waters with a Nigerian vessel carrying stolen crude oil in 2015. In the end, they were repatriated to Nigeria instead of prosecuted (Kamal-Deen, 2016).<sup>100</sup>

With regard to maritime safety, the GMA, the Marine Police and Navy are primarily responsible for search and rescue activities in Ghana's maritime space. Other State agencies that collaborate with

<sup>99</sup> Section 193 of Act 29 defines Piracy as follows: (1) A person commits an act of piracy if, being the owner or master of a ship, he sails the seas in her without authorisation from the government of any country with the object of committing depredations upon property or acts of violence against persons or if, from or by means of the ship, he conflicts any such act of depredation or violence. (2) A person commits an act of piracy if, being a member of the crew or a passenger of a ship, he conspires with any other person to rise against its master and officers or to seize the ship or if, in common with any other person, he engages in any act of hostility against her master and officers. (3) A master or seaman commits an act of piracy if he betrays his trust, runs away with his ship or goods belonging to her or yields them up voluntarily to any person contrary to his duty, or conspires or combines with or attempts to corrupt any master, officer or seaman to yield up or run away with any ship or goods or makes or endeavours to make a revolt in the ship (4) A person belonging to a ship commits an act of piracy if, upon meeting a ship at sea or in any port, harbour or haven, he forcibly boards or enters her and, though he does not seize or carry off.

<sup>100</sup> See also [www.africanews.com/2016/01/15/ghana-deports-8-nigerian-suspected-sea-pirates/](http://www.africanews.com/2016/01/15/ghana-deports-8-nigerian-suspected-sea-pirates/).

these organizations are the Ghana Health Service, Ghana Ambulance Service, the Ghana National Fire Service, Ghana Airforce, Ghana Civil Aviation Authority, Ghana Immigration Service, Ghana Meteorological Agency, National Disaster Management Organization and the Ghana Ports and Harbours Authority. The GMA and its collaborators have successfully carried out several rescue operations, including medical evacuations and rescue from sinking vessels and other dangers at sea (GMA, 2020).

Section 20(1)(d) of Act 459 gives the High Court jurisdiction, among others, to adjudicate on a claim like salvage for services rendered to a ship (including services rendered in saving life from a ship), whether rendered on the high seas or within the territorial waters, and whether a wreck regarding the salvage claimed is found on sea or land.

## 4.2.1. Institutional roles and responsibilities

The key institutions responsible for maritime security in Ghana are the GMA, the Ghana Navy and the Marine Police Unit of the Ghana Police Service. In addition, to a limited extent, the Monitoring, Control and Surveillance Unit of the Fisheries Commission also plays a maritime security role, particularly relating to the enforcement of fishery regulations. Since these institutions fall under different ministries, collaboration and intelligence sharing amongst these institutions have been the guiding principles.

### 4.2.1.1 Ghana Maritime Authority

The Maritime Security Act, 2004, tasks the GMA with ensuring the safety and security of Ghanaian ships and ports and provides for the enforcement of sanctions to deter security threats to the maritime industry in Ghana.

The GMA has procured six-speed boats and four search and rescue vessels in terms of enforcement capacity. The acquisition of the speedboats, which are fitted with communication equipment, is in line with the Authority's quest to achieve synergy with the law enforcement entities to ward off sea robbers while thwarting illicit maritime activities along the coast. With these boats, the GMA and the Marine Police Unit of the Ghana Police Service, the Navy, and the Port Authorities conduct night patrols at the Tema and Takoradi Ports anchorages and some national installations to ensure no criminal activity happens there. The search and rescue vessels form part of the Authority's quest to be in readiness in the event of disasters and emergencies. Six of the ten speedboats and search and rescue vessels are stationed at Tema Port while the rest are in Takoradi Port.<sup>101</sup>

### 4.2.1.2. Ghana Police Marine Unit

The Marine Police Unit currently has a core of 60 Mariners with two commands, namely the Eastern and Western Commands. The headquarters of the Eastern Command are at Tema and the Western Command at Takoradi. In terms of capacity, the Marine Police Unit is made up of trained skippers, operations drivers, boat mechanics, intelligence officers and swimmers (Tenge, 2014).<sup>102</sup> The Marine Police Unit has a limited number of operational boats and equipment for its enforcement and rescue operations which have prompted international organizations such as the United Nations Office on Drugs and Crime and foreign representatives to make some donations to that effect (Ghana News 247, 2018). Nevertheless, the Marine Police Unit requires more operational boats/vessels and equipment for its enforcement on the ocean, and to collaborate, cooperate and coordinate with other maritime agencies in respect of the Harmonized Standard Operation Procedures developed by the Ghana Government regarding the arrest, detention and prosecution of offending vessels.

<sup>101</sup> Maritime Security. Available at [ghanamaritime.org/home/maritime-security/](http://ghanamaritime.org/home/maritime-security/). Accessed on 21 December 2022.

<sup>102</sup> Marine Ports & Railways. Available at [police.gov.gh/en/index.php/marine-ports-railways/](http://police.gov.gh/en/index.php/marine-ports-railways/). Accessed on 21 December 2022.

### 4.2.1.3 Ghana Navy

The Ghana Navy command structure consists of the Naval Headquarters at Burma Camp, Accra and three operational commands, the Western Naval Command at Sekondi, the Eastern Naval Command at Tema and the Naval Training Command at Nutekpor-Sogakope in the Volta Region. In terms of tooling, most of the Navy Patrol vessels are dated. However, in a recent public-private partnership between the Government of Ghana represented by the Ministry of Defence, Israel Shipyards, GCB Bank Limited and two international oil companies, Ghana has procured four new fighter vessels to safeguard oil and gas activities in the Gulf of Guinea (Daily Statesman, 2022).

## 4.2.2 Overview of relevant policy frameworks

Regarding policy, Ghana has developed a National Integrated Maritime Strategy (NIMS) in 2020. This strategy hinges on six main pillars, namely, ensuring the safety and security of Ghana's maritime domain; protecting the maritime and coastal environment; strengthening the framework of maritime governance; developing a thriving blue economy; promoting capacity-building, research, awareness and knowledge sharing in the maritime domain; and the development of a dynamic and diversified regional and international cooperation.<sup>103</sup> The NIMS and its Implementation Plan were developed by a multi-agency team.

Strategic objective 2 of the NIMS deals with "Ensuring safety and security of Ghana's Maritime Domain" under which six priority actions have been identified to guide decision-making during the implementation. These are: improvement of presence at sea and safeguarding of national interests in the Maritime Domain; prevention of transnational organized crimes in Ghana's Maritime Domain; enhancement of Maritime Domain Awareness; ensuring seamless collaboration of agencies; improvement of Port Security and Safety; and improvement of maritime cyber security.

Related to the NIMS is the Harmonized Standard Operating Procedure, which seeks to coordinate the actions of maritime safety and security in the country. It has been developed and is currently being validated for subsequent promulgation.<sup>104</sup>

At the sub-regional level, Ghana has also been part of initiatives at the Economic Community of West African States (ECOWAS) with the ECOWAS Integrated Maritime Strategy (EIMS). The EIMS has identified five strategic objectives which it expects the ECOWAS States, like Ghana, to develop priority actions to implement. The five strategic objectives are to strengthen maritime governance; a safe and secure maritime domain; maritime environmental management; optimize ECOWAS Maritime Economy; and promote maritime awareness and research.

Some of the priority actions that Ghana and other States have committed to include the following: defining maritime limits; establish and strengthen governance mechanisms, strengthen regulations and rule of law; strengthening international cooperation; prevent and combat piracy and robbery at sea; implementing the relevant provisions of UNCLOS, especially part V; strengthening the criminal justice enforcement regimes nationally on maritime matters such as piracy and armed robbery at sea, fishing, environmental protection and maritime economy; ensure adherence of enforcement agencies to national and international law; promote and protect the safety of maritime navigation and passage; strengthen national capacities to detect, investigate, prosecute and adjudicate piracy and robbery at sea cases and establish national asset seizure, confiscation and management systems; condemn piracy and armed robber at sea wherever it may occur in the world, particularly in West Africa and the Gulf of Guinea.

<sup>103</sup> National Integrated Maritime Strategy, 2020.

<sup>104</sup> Comments received from Ghana Navy on draft Ocean Governance Study.

At the continental level, Ghana signed the African Charter on Maritime Security and Safety and Development in Africa (Lomé Charter) upon its conclusion in 2016, the objectives of which are to:

- A** Prevent and suppress national and transnational crime, including terrorism, piracy, armed robbery against ships, drug trafficking, smuggling of migrants, trafficking in persons and all other kinds of trafficking transiting through the sea and IUU fishing
- B** Protect the environment in general and the marine environment in the space of coastal and insular States, in particular.
- C** Promote a flourishing and sustainable blue/ocean economy.
- D** Promote and enhance cooperation in the fields of maritime domain awareness, prevention by early warning and fight against piracy, armed robbery against ships, illicit trafficking of all kinds, the pollution of the seas, cross-border crime, international terrorism, and proliferation of small arms and light weapons.
- E** Establish appropriate national, regional and continental institutions and ensure the implementation of appropriate policies likely to promote safety and security at sea.
- F** Promote the inter-agency and transnational coordination and cooperation among Member States, within the spirit of the African Peace and Security Architecture of the African Union.
- G** Boost the implementation of the 2050 Africa Integrated Maritime Strategy in conformity with International Maritime Law.
- H** Promote the training and capacity-building of the maritime, port and industrial sectors, for safe and responsible use of the maritime domain.
- I** Cooperate in the field of Search and Rescue in line with the IMO SOLAS Convention.
- J** Sensitize communities living next to seas for sustainable development of African coastline and biodiversity.
- K** Promote and protect the right of access to the sea of landlocked countries following the provisions of this Charter, the legal instruments of the African Union and other regional and international instruments
- L** Raise the level of social welfare of the concerned population.<sup>105</sup>

Furthermore, Ghana and other States have undertaken to: a) continue efforts to take appropriate measures to create productive jobs, reduce poverty and eliminate extreme poverty, encourage awareness of maritime-related issues to establish the best living conditions, and strengthen social cohesion through the implementation of a fair, inclusive and equitable policy to address the socio-economic issues; b) stimulate the creation of jobs along the coasts, particularly by codifying and promoting artisanal fishery through the training of sector stakeholders, encouraging the local processing of fishery products, and facilitating their marketing at national, sub-regional and international levels.<sup>106</sup>

Ensuring maritime safety and security is essential for the development of the blue economy in Ghana. Objective 3 of the NIMS identifies four priority actions for developing a blue economy, namely: ensuring sustainable management of fisheries resources; promoting maritime and seaside tourism; promoting a vibrant maritime industry; and promoting maritime job creation.

Blue economy development in Ghana can be further guided by the Africa Integrated Maritime Strategy (2050 AIM Strategy) developed by the African Union,<sup>107</sup> and the policy handbook “Africa’s Blue Economy” developed by the United Nations Economic Commission for Africa (UN-ECA, 2016). Ghana is also a member of the High-Level Panel for a Sustainable Ocean Economy (HLP), comprising 16 coastal nations. The HLP has put forward a new ocean action agenda intending to sustainably manage 100 per cent of national waters.

<sup>105</sup> African Charter on Maritime Security and Safety and Development in Africa (Lomé Charter), art. 3.

<sup>106</sup> Ibid, art.4.

<sup>107</sup> Africa’s Integrated Maritime Strategy (2050 AIM Strategy), 2012.



Photo: Friends of the Nation

## V. Observations and Inventory of Capacity Needs

### 5.1 Observations

#### 5.1.1 Enhancing coordination

Ocean governance in Ghana is multisectoral and fragmented involving several institutions and stakeholders with different frameworks that guide their operations at all levels. Therefore, effective coordination mechanisms are required.

- **Observation:** to achieve effective coordination among the various sectors, establishing and operationalizing an Inter-Ministerial Committee may be considered. Alternatively, the Government may consider the empowerment of one of the existing regulatory institutions with the coordinating mandate to serve as the lead ocean governance institution.

#### 5.1.2 Implementing international instruments

Ghana has not only signed many international conventions, treaties and protocols governing various aspects of ocean governance, but has also implemented many of them by passing national legislation and creating various institutions to implement these obligations. Nevertheless, Ghana is yet to enact national legislation to implement key international conventions affecting the marine environment.



- **Observation:** Ghana should enact national legislation to implement key international conventions affecting the marine environment, including the:
  - Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009.
  - Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, 1989.
  - 1998 Protocol to the Safety of Life at Sea Convention.
  - 1988 Protocol on Load Lines 1966.
  - Nairobi International Convention on the Removal of Wrecks, 2007.
  - International Convention on Civil Liability for Bunker Oil Pollution Damages, 2001.
  - Convention on the International Hydrographic Organization as amended by the 2005 Protocol.
  - International Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972, as amended in 1987 and the 1996 Protocol (London Convention).
  - Bamako Convention, 1998.
  - International Convention on Civil Liability for Oil Pollution Damage 1969 and 1992 Protocol (CLC).
  - International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage 1971 and 1992 Protocol (The Fund Convention).
  - International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea.

### 5.1.3 Resolving maritime boundaries

Ghana has unresolved maritime boundaries with Togo, Benin and Nigeria, and is negotiating the implementation of the Judgment of the Special Chamber of the ITLOS involving its maritime boundary dispute with Cote d'Ivoire.

- **Observation:** Ghana should resolve its maritime boundary disputes with Togo, Benin and Nigeria, and fully implement the Judgement of the Special Chamber of the ITLOS involving its maritime boundary dispute with Cote d'Ivoire.

### 5.1.4 Tackling IUU fishing

Ghana's challenges in tackling IUU fishing seem persistent and violate its obligations under international law, for which Ghana has been warned twice in the last ten years by the European Union.

- **Observation:** Immediate, urgent and effective measures should be considered to update national policies and legal frameworks to implement internationally agreed obligations and to curb the high incidence of IUU fishing. The FEU may benefit from assistance regarding the requisite logistical, technical and political support to effectively enforce fisheries regulations. State Prosecutors may benefit from training on the prosecution of fisheries-related offences and techniques.

### 5.1.5 Enhancing maritime security

Maritime security challenges of piracy, robbery at sea and kidnapping for ransom particularly in the Gulf of Guinea are an international and subregional problems that no one country can resolve. Instead, there is an urgent need for concerted regional and international action.

- **Observation:** It may be important to focus efforts on putting in place the necessary security and intelligence measures to combat the menace of piracy, marine terrorism, kidnappings for ransom and robberies in the Gulf of Guinea in general and Ghana's coast. The full and effective implementation of EIMS and the Africa Union's AIM Strategy would also contribute to protecting life and business in Ghana.

### 5.1.6. Improving gender equity in ocean sector

While women play an important role in various ocean sectors, they remain underrepresented in bodies and processes involved in ocean governance.

- **Observation:** Efforts should be made to build the capacity of women in ocean governance by instituting scholarships for the study of ocean-related subjects as well as reforming employment laws to reflect the needs of women to serve as incentives for more women to venture into marine sectors.

Photo: Charles Smith (Environmental Justice Foundation)





Photo: Hen Mpoano

## 5.2 Inventory of capacity-building needs

The achievement of an efficient ocean governance regime requires the acquisition of knowledge about the law of the sea, the procurement of relevant financial resources and tools for the implementation of these laws in terms of their passage and operationalization. Experience shows that there are several areas where stakeholders and the general population would benefit from training relating to ocean governance in Ghana. Persons who require training include the policymakers in the various interfacing ministries, parliamentarians, the judiciary, regulators of the industry, implementers of law and policy such as civil and public servants, academics, members of the security services, students, and, to a limited extent, the general population.

### 5.2.1 Maritime delimitation and extended continental shelf delineation

Ghana's experiences in preparing submissions to the CLCS and its international disputes, particularly before ITLOS in two cases, have shown that Ghana suffers a deficit in technical knowledge on issues relating to the law of the sea. Although Ghana assembled a local team of experts, it had to rely heavily on foreign experts with the requisite experience in law of the sea, particularly concerning continental shelf delineation and maritime delimitation, including legal specialists, cartographers, hydrographers and remote sensing experts (e.g. satellite imagery consultants), and others. Consequently, considering that Ghana has yet to delimit its maritime boundaries with Togo, Benin and Nigeria, the Government may wish to focus its attention on developing human capacity needs and procuring resources in this area. Furthermore, developing skills and technical knowledge in this area will help Ghana avoid some of the high costs of engaging international legal specialists to represent Ghana's interest, whose bills run into millions of dollars.

### 5.2.2 Navigation

Considering the importance that trade by sea plays in the socioeconomic life of Ghana, it is imperative that all key actors in the navigation space, particularly the Ghana Navy, officials of the GMA and port officials, are trained on both international conventions and national legislation relating to navigation in Ghana's maritime zones as well as within inland waters.

### 5.2.3 Marine fisheries

The FEU should be resourced with adequate logistics, modern technology, and trained personnel to enhance the prevention, surveillance and monitoring of IUU fishing as well as the enforcement of fisheries regulations in Ghana's ocean space.

### 5.2.4 Maritime safety and security

There is a need to raise awareness of the threats of piracy, armed robbery at sea and marine terrorism in the generality of the public and to equip and train the Ghana Navy with sophisticated and modern weapons and techniques to fight piracy, armed robberies at sea and marine terrorism.

With regard to maritime safety, it is incumbent that vessel owners, operators and seafarers are educated about the obligations imposed on them by domestic legislation passed to give effect to UNCLOS and related agreements.

### 5.2.5 Amending the definition of piracy in the criminal laws of Ghana to align with UNCLOS

The definition of piracy in section 193 of Ghana's Criminal and Other Offences Act, 1960 (Act 29) is anachronistic and inconsistent with the provisions of UNCLOS. Therefore, it is recommended that the definition in section 193 of Act 29 is amended and brought into consistency with definition in article 100 of UNCLOS.

### 5.2.6 Formalization of cooperation agreements amongst State agencies

Currently, several State agencies and actors collaborate to implement ocean-related laws primarily through inter-agency action. Therefore, it is recommended that, going forward, memoranda of understanding should be signed by the various State agencies and actors to document their distinct roles, powers, resources and contributions.

### 5.2.7 Other Capacity Needs

There is a need to enhance expertise in ocean governance regarding the drafting of an integrated policy for Ghana's coastal and marine environment. This should include coastal flooding and coastal erosion as well as the blue economy, marine pollution management, coastal engineering, maritime safety and security, marine forecasting and research, natural resource management, bilateral relation and marine spatial planning, among others. Personnel should be given periodic in-service training, short courses and higher degrees. The training of women should be a priority.

# VI. References

Asiamahe Agyare, Michael and Dalaklis, Dimitrios (2019). Exploring the Issue of Maritime Domain Awareness in Ghana. Articles. 480. Available at commons.wmu.se/lib\_articles/480. Accessed on 20 December 2022.

CLCS-Commission on the Limits of the Continental Shelf (2014). Summary of Recommendations of the Commission on the Limits of the Continental Shelf in regard to the Submission made by Ghana on 28 April 2009(05.09.2014). Available at www.un.org/depts/los/clcs\_new/submissions\_files/gha26\_09/2014\_09\_05\_COM\_sumREC\_GHA.pdf. Accessed on 28 January 2023.

Coastal Resources Center (2013). A National Framework for Fisheries Co-management in Ghana. Hen Mpoano Policy Brief No. 4. USAID Integrated Coastal and Fisheries Governance Program for the Western Region of Ghana. Narragansett, RI: Coastal Resources Center, University of Rhode Island.

Daily Statesman (2022). *Four ships to enhance Navy operations*. Available at dailystatesman.com.gh/four-ships-to-enhance-navy-operations/. Accessed on 21 December 2022.

EJF-Environmental Justice Foundation (2020). *Warning to EU over imports from vessels fishing illegally in Ghana*. Available at: ejfoundation.org/news-media/warning-to-eu-over-imports-from-vessels-fishing-illegally-in-ghana-1. Accessed on 13 December 2022.

(2021). *Ghana given second 'yellow card' warning from the EU over illegal fishing*. Available at: ejfoundation.org/news-media/ghana-given-second-yellow-card-warning-from-eu-over-illegal-fishing#:~:text=Ghana%20given%20second%20'yellow%20card'%20warning%20from%20EU%20over%20illegal%20fishing&text=The%20Ghanaian%20government's%20failure%20to,export%20ban%20to%20the%20EU.&text=Ghana's%20waters%20have%20been%20plagued%20by%20illegal%20fishing%20for%20decades. Accessed on 13 December 2022.

Photo: Inception Meeting on Ocean Governance Study (SDGs Advisory Unit)



EPA-Environmental Protection Agency. (n.d.). National Oil Spill Contingency Plan. Available at epaoilandgas.org/regulation/National%20Oil%20Spill%20Contingency%20Plan.html. Accessed on 29 December 2022

European Commission (2021). Illegal, Unreported and Unregulated (IUU) fishing in general and in Ghana. Available at ec.europa.eu/commission/presscorner/detail/en/qanda\_21\_2747. Accessed on 19 December 2022.

Ghana News 247 (2018). *United Nations Office of Drugs and Crime Donates 2 Patrol Boats To Ghana Marine Police*. Available at www.ghananews247.com/2018/07/17/united-nations-office-of-drugs-and-crime-donates-2-patrol-boats-to-ghana-marine-police/. Accessed on 20 January 2023.

Ghana Statistical Services (2021). Population and Housing Census, Populations of Regions and Districts. General Report Volume 3A.

GMA-Ghana Maritime Authority (2020). Ghana's Search and Rescue Region. Available at ghanamaritime.org/home/search-and-rescue-operations/. Accessed on 13 December 2022.

Groeneveld, Johan C. and Koranteng, Kwame A. (Eds) 2017. The RV Dr Fridtjof Nansen in the Western Indian Ocean: Voyages of marine research and capacity development. FAO. Rome, Italy. Available at: www.fao.org/3/i6957e/i6957e.pdf. Accessed on 27 January 2023.

ITLOS-International Tribunal for the Law of the Sea (2012). *The ARA Libertad Case, (Argentina v. Ghana), Provisional Measures*. ITLOS. Reports 2012, 332.

(2017). *Dispute concerning delimitation of the maritime boundary between Ghana and Côte d'Ivoire in the Atlantic Ocean (Ghana/Côte d'Ivoire), Judgment.*, ITLOS Reports 2017, p.4.

Kamal-Deen, Ali (2016). Anti-piracy responses in the Gulf of Guinea. Addressing the legal deficit. in H. N. Scheiber et al (Eds). Ocean Law and Policy. 20 Years under UNCLOS Leiden/Boston, Brill Nijhoff, 203.

(2017). The Law of the sea: the African Union and its Member States. Vrancken, PHG, and Tsamenyi, M (Ed). Juta and Company 405.

Kumi-Bruce, Nii Lantei (2021). Ship recycling in Ghana: an analysis of the implementation of the Hong Kong Convention, 2009. World Maritime University Dissertations, 31 October 2021.

MoFAD-Ministry of Fisheries and Aquaculture Development (2021). Ghana National Fisheries and Aquaculture Policy 2021 (Draft).

(2022). 2022-2026 Marine Fisheries Management Plan Validated. Available at www.mofad.gov.gh/press-release/2022-2026-marine-fisheries-management-plan-validated. Accessed on 19 December 2022.

Republic of Ghana (2011). Fisheries and Aquaculture Sector Development Plan, 2011-2016, 1.

(2013). Ghana National Climate Change Policy. Ministry of Environment, Science, Technology and Innovation.

(2014). National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing. Available at [faolex.fao.org/docs/pdf/gha160851.pdf](http://faolex.fao.org/docs/pdf/gha160851.pdf). Accessed on 17 December 2022.

(2020a). National Plastics Management Policy. Ministry of Environment, Science, Technology and Innovation.

(2020b). Co-Management Policy for the Fisheries Sector. Ministry of Fisheries and Aquaculture Development (MoFAD). 2020. Available at [faolex.fao.org/docs/pdf/gha212624.pdf](http://faolex.fao.org/docs/pdf/gha212624.pdf). Accessed 20 October 2021

(2021). Medium Term National Development Policy Framework 2022-2025. Volume I. Policy Framework. National Development Planning Commission.

(2021b). Ghana To Roll Out Comprehensive National Integrated Maritime Strategy To Address Piracy, Kidnappings. Available at [presidency.gov.gh/index.php/briefing-room/news-style-2/1952-ghana-to-roll-out-comprehensive-national-integrated-maritime-strategy-to-address-piracy-kidnappings](http://presidency.gov.gh/index.php/briefing-room/news-style-2/1952-ghana-to-roll-out-comprehensive-national-integrated-maritime-strategy-to-address-piracy-kidnappings). Accessed on 13 December 2022.

Tenge, Effia (2014). Who Are The Marine Police? In Modern Ghana. Available at [www.modernghana.com/news/560040/who-are-the-marine-police.html](http://www.modernghana.com/news/560040/who-are-the-marine-police.html). Accessed on 21 December 2022.

Torell, Ein; Owusu, Adiza and Okyere-Nyako, AKua Amoa (2015). USAID/Ghana Sustainable Fisheries Management Project (SFMP), Ghana Fisheries Gender Analysis, 2015, Narragansett, RI: Coastal Resources Center, Graduate School of Oceanography, University of Rhode Island. GEN002. 21p. Available at [www.crc.uri.edu/download/GEN001\\_SFMPGenderAnalysisRpt\\_FINAL\\_508.pdf](http://www.crc.uri.edu/download/GEN001_SFMPGenderAnalysisRpt_FINAL_508.pdf). Accessed on 19 December 2022.

UN-United Nations (1972). Official Records of the General Assembly, Twenty-Seventh Session, Supplement No. 21 (A/8721). Pp. 180-182.

(1974). Official Records of the Third United Nations Conference on the Law of the Sea, N Doc. A./CONF.62/C.2/L.82. Volume III, pp. 240-241.

(2020). Gender equality grows as key aspect of sustainable ocean management. Available at [www.un.org/sustainabledevelopment/blog/2020/03/gender-equality-grows-as-key-aspect-of-sustainable-ocean-management/](http://www.un.org/sustainabledevelopment/blog/2020/03/gender-equality-grows-as-key-aspect-of-sustainable-ocean-management/). Accessed on 23 November 2021.

UN-ECA United Nations. Economic Commission for Africa (2016). Africa 's blue economy: a policy handbook. Addis Ababa. Available at [hdl.handle.net/10855/23014](http://hdl.handle.net/10855/23014). Accessed on 21 December 2022.

UNDP-United Nations Development Programme (2021). Environment and Climate Change in Ghana, 2021, 1-2.

## ANNEX I: RELEVANT CONVENTIONS SIGNED BY GHANA

CONVENTION/PROTOCOL/INSTRUMENT	DATE OF AGREEMENT	GHANA'S RATIFICATION DATE/DATE OF SIGNING
International Convention for the Prevention of Pollution of the Sea by Oil	Entry into force: 17 August 1962 and withdrawn on 3 September 1991	17 August 1962/ 12 May 1954
Treaty Banning Nuclear Weapon tests in the Atmosphere, in Outer Space and Underwater	Entry into force: 27 November 1963	27 November 1963/ 5 August 1963
Convention on Facilitation of International Maritime Traffic (FAL). 1965	Entry into force: 5 March 1967	9 April 1965
International Convention on Load Lines (LL), 1966	Entry into force: 21 July 1968	25 September 1968/ 5 April 1966
African Convention on Conservation of Nature and Natural Resources	15 September 1968	17 May 1969
International Convention for the Conservation of Atlantic Tunas	Entry into force: 21 March 1969	17 April 1968/ 4 May 1966
International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties (INTERVENTION), 1969	29 November 1969	20 April 1978/ 29 November 1969
Ramsar Convention on Wetlands of International Importance, especially Waterfowl Habitats (Ramsar, Iran)	2 February 1971	24 July 1989
Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)	3 March 1973	12 February 1976
International Convention for the Safety of Life at Sea (SOLAS) 1974 and the SOLAS Protocol of 1978	1 November 1974 Entry into force: 25 May 1980	19 August 1983/ 1 November 1974
Convention on the International Regulation for Preventing Collisions at Sea (COLREG), 1972	Entry into force: 15 July 1977	4 December 1973/ 20 October 1972
International Convention for the Prevention of Pollution from Ships (MARPOL), 73/78	17 February 1978 Entry into force: 2 October 1983	Annexes I and II were ratified first on 3 September 1991 and in 2010, Ghana ratified the remaining Annexes III to VI which came into force on 1 January 2011 17 February 1978

CONVENTION/PROTOCOL/INSTRUMENT	DATE OF AGREEMENT	GHANA'S RATIFICATION DATE/DATE OF SIGNING
International Convention of Oil Preparedness, Response and Co-operation (OPRC)	Entry into force: 13 May 1980	2 September 2010/ 30 November 1990
International Convention on Tonnage Measurement of Ships (Tonnage), 1969	Entry into force: 18 July 1982	13 December 1973/ 23 June 1969
United Nation Convention on the Law of the Sea (UNCLOS)	10 December 1982 Entry into force: 16 November 1994	16 November 1994
The International Convention on Standards of Training, Certification and Watchkeeping for seafarers (STCW), 1978	Entry into force: 28 April 1984	26 January 1989 (Accession)/ 7 July 1978
Convention on the Conservation of Migratory Species of Wild Animals Convention, 1988	01 April 1988	8 October 1991
Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel Convention)	22 March 1989	30 May 2003/ 22 March 1989
Protocol Concerning Cooperation in Combating Pollution in Cases of Emergency	Entry into force: 18 September 1989	20 July 1989/ 23 March 1981
International Convention on Oil Pollution Preparedness Response and Cooperation.	30 November 1990 Entry into force: 13 May 1995	2 September 2010 (Accession)/ 30 November 1990
Convention on Fisheries Cooperation among African States Bordering the Atlantic Ocean	5 July 1991 Entry into force: 2 April 2014	2 September 2014/ 5 July 1991
Convention for the Suppression of Unlawful Acts against Safety of Maritime Navigation (SUA and its Protocol for the Suppression of Unlawful Acts against Safety of fixed Platforms Located on the Continental Shelf (SUA PROTOCOL), 1988	Entry into force: 1 March 1992	2002/10 March 1988
Convention on Biological Diversity	05 June 1992 Entry into force: December 1993	27 November 1994
United Nations Framework Convention on Climate Change (UNFCCC)	21 March 1994	6 September 1995
Convention for Cooperation in the Protection, Management and Development of the Marine and Coastal Environment of the Atlantic Coast of the West, Central and Southern Africa Region (Abidjan Convention)	13 May 1995 Entry into force: 18 September 1989	20 July 1989/ 23 March 1981

CONVENTION/PROTOCOL/INSTRUMENT	DATE OF AGREEMENT	GHANA'S RATIFICATION DATE/DATE OF SIGNING
The FAO Code of Conduct for Responsible Fisheries	31 October 1995	
International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (FUND) – 1971	30 May 1996	Not ratified
The Protocol of 1992 to amend the 1969 International Convention on Civil Liability for Oil Pollution Damage (CLC PROT 1992)	Entry into force: 30 May 1996	3 February 2003/ 27 November 1992
Kyoto Protocol	11 December 1997	16 February 2005
Memorandum of Understanding Concerning Conservation Measure for Marine Turtles of the Atlantic Coast of Africa	Entry into force: 1 July 1999	12 November 1999
The FAO Agreements to promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas.	Entry into force: 24 April 2003	12 Mayo 2003
International Convention for the Regulation of Whaling	Entry into force: 17 July 2009	17 July 2009
The International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW F 1995)	Entry into force: 29 September 2012	2011/ 27 April 1979
The FAO Agreement on Port State Measures to Prevent Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IUU)	Entry into force: 5 June 2016	29 November 2016/ 28 October 2010
The Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing	Entry into force: 29 December 2016	29 November 2016/ 22 November 2009
United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling and Highly Migratory Fish Stocks (United Nations Fish Stocks Agreement)	4 August 1995 Entry into force: 11 December 2001	27 January 2017
The International Convention for the Control and Management of Ships' Ballast Water and Sediments (BWM), 2004	Entry into force: 8 September 2017	26 November 2015 (Accession)/ 13 February 2004
Protocol for the establishment and operation of a Regional Fisheries Monitoring, Control and Surveillance Centre to the Convention for the establishment of the Fishery Committee for the West Central Gulf of Guinea	Entry into force: 13 December 2019	13 December 2019

CONVENTION/PROTOCOL/INSTRUMENT	DATE OF AGREEMENT	GHANA'S RATIFICATION DATE/DATE OF SIGNING
Protocol on the Privileges and Immunities of the International Seabed Authority	Entry into force: 31 May 2003	23 September 2016/ 12 January 1999
The Food and Agriculture Organization (FAO) Port State Measures Agreement	Drawn up in 2005. Approved 22 November 2009 Entry into force: 5 June 2016	28 October 2010
Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 (Part XI Agreement)	24 July 1994 Entry into force: 28 July 1996	23 September 2016
Additional Protocol to the Abidjan Convention on Pollution from Land-Based Sources and Activities (LBSA)	22 June 2012	Yet to be ratified. Process has been initiated. (National Stakeholder Consultation held in 2021)
West and Central Africa Region (WACAF) Action Plan, 1981	23 March 1981	
Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, 1993	29 Nov 1993 Entry into force: 24 April 2003	12 May 2003
International Plan of action against Illegal, Unreported and Unregulated Fishing (IPOA-IUU), 2001	2001	2001
Convention on Fisheries Cooperation among African States bordering the Atlantic Ocean (COMHAFAT), 1991	5 July 1991	
Convention for the Establishment of the Fishery Committee for the West Central Gulf of Guinea (FCWC)	2007	2007
Code of Conduct for the Repression of Piracy, Armed Robbery against Ships and Illicit Maritime Activity in West and Central Africa (the Yaounde Code of Conduct), 2013	25 June 2013	25 June 2013
African Charter on Maritime Security and Safety and Development in Africa (Lomé Charter), 2016	15 October 2016	15 October 2016
The Protocol to amend the 1971 International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (FUND PROTOCOL 1992)	Adopted on 27 November 1992 Entry into force: 30 May 1996	29 September 1994/ April 199 Entry into force: 30 May 1996
Protocol to the 1972 Convention on the Prevention of Marine Pollution by dumping of Wastes and other Matter (LC PROTOCOL), 1996	7 November 1996 Entry into Force: 24 March 2006	2 July 2010

## ANNEX II: RELEVANT NATIONAL LEGISLATION (IN CHRONOLOGICAL ORDER)

- Mineral Act, 1962 (Act 126)
- Armed Forces Act, 1962 (Act 105)
- Territorial Waters and Continental Shelf Act, 1963 (Act 175)
- Continental Shelf (Amendment) Decree, 1968 (NLCD 309)
- Police Service Act, 1970 (Act 350)
- Territorial Waters and Continental Shelf Decree, 1973 (NRCD 165)
- Territorial Waters and Continental Shelf (Amendment) Decree, 1977 (S.M.C.D. 109)
- Maritime Zones (Delimitation) Act 1986 (PNDCL 159)
- Ghana Ports and Harbours Authority Act, 1986 (PNDCL 160)
- Constitution, 1992
- Local Government Act, 1993 (Act 462)
- Courts' Act 1993 (Act 459)
- Environmental Protection Agency Act, 1994 (Act 490)
- Environmental Assessment Regulations, 1999 (L.I. 1652)
- Fisheries Act, 2002 (Act 625)
- Ghana Maritime Authority Act, 2002 (Act 630)
- Ghana Shipping Act, 2003 (Act 645)
- Ghana Maritime Security Act, 2004 (Act 675)
- National Petroleum Authority Act, 2005 (Act 691)
- Fisheries Regulation, 2010 (L.I. 1968)
- Ghana Boundary Commission Act, 2010 (Act 795)
- Ghana Shipping (Protection of Offshore Operations and Assets) Regulations (L.I. 2010)
- Ghana Maritime Security (Amendment) Act, 2011 (Act 824)
- Ghana Maritime Authority (Amendment) Act, 2011 (Act 825)
- Protection of Offshore Operations and Assets Regulations, 2012
- Police Service Regulations, 2012 (C.I. 76)
- Ghana Shippers' Authority Regulations, 2012 (L.I. 2190)
- Fisheries (Amendment) Act, 2014 (Act 880)
- Fisheries (Amendment) Regulations, 2015 (L.I. 2217)
- National Premix Fuel Committee Regulations, 2016 (L.I. 2233)
- Local Governance Act, 2016 (Act 936)
- Land Use and Spatial Planning Act, 2016 (Act 925)
- Petroleum (Exploration and Production) Act, 2016 (Act 919)
- Maritime Pollution Act, 2016 (Act 932)
- Land Use and Spatial Planning Regulations, 2019 (L.I. 2384)
- National Intelligence Agencies Act, 2020 (Act 1030)

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