

Principle 3 re-scoring for tropical tuna fisheries in the eastern Atlantic Ocean

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Executive summary

This report outlines the progress made within principle 3 scoring indicators for Atlantic Ocean tropical tuna fisheries. The re-scoring is a result of recent meetings conducted with delegates from different West African coastal states, wherein their specific fisheries management plans were discussed. Following the meetings, the delegates imparted the documentation to Key Traceability to be used as evidence to demonstrate that the relevant fisheries management practices are implemented within the country. Thus, Key Traceability is able to improve the current principle 3 scoring for these coastal states.

Principle 3

Principle 3 in the MSC Fisheries Standard assesses the effective management practices of the fishery. The aim of the assessment is to demonstrate that the fishery is subject to an effective management system that respects local, national, and international laws and standards. Evidence of the incorporation of the laws and standards is imperative to pass this principle and performance indicators.

Sierra Leone

Performance Indicator	Draft scoring range	Data deficient?
3.2.3 – Compliance and enforcement	60-79	No
Rationale or key points		
<p>Within the fisheries management systems of Sierra Leone, the Fisheries and Aquaculture Act of 2018 details a specific Fisheries and Aquaculture Regulations policy (2019), which outlines the monitoring, control, and surveillance procedures required by all fisheries operating in the coastal state EEZ. Part II of the policy describes the current fisheries conservation and management practices in place to encourage the shared responsibility of the all participants and stakeholders. As such, Part III of the policy outlines a number of documents needed to be provided by any fisheries or vessels operating in the EEZ that demonstrate a license for their operations. This includes all industrial fishing vessels, artisanal and recreational vessels, scientific vessels, or any other fishing activities. Licenses are only granted or renewed after the applicant undergoes extensive review from the scientific, economic, and technical committee. This review also addresses the records of compliance to the law, ensuring that the applicant vessels has never been involved in illegal, unreported, and unregulated fishing activities. The act also goes on to explain that a vessels’ license may be revoked or terminated if there is evidence of this illicit activity taking place. There is appeals process to dispute a rejected or revoked license. In Part IV of the policy, there is a requirement that all vessels have vessel monitoring systems (VMS) on board. Sla meets SG80.</p> <p>The Fisheries and Aquaculture Regulations policy also details the requirements of vessels operating in Sierra Leone regarding the transshipment, to prohibit any form of transshipment that takes place elsewhere to the port of Freetown in Sierra Leone. Furthermore, a fishing vessel is obligated to mark all FADs that are deployed, within the Sierra Leone EEZ, with the vessel and owner name and all vessels are prohibited from disposing of FADs at sea. All illegal activities, including IUU fishing is required to be disclosed to the management authorities, and the offending vessels/fleets will be added to the national IUU vessel registry.</p> <p>Part XII of the Fisheries and Aquaculture Regulations describes the offences, fines, and penalties enshrined in the fisheries management of this coastal state. All sanctions are listed in the Fourth Schedule, and are aligned with a specific offence, including:</p> <ol style="list-style-type: none"> i. Fishing inside an exclusion zone or MPA (fine of up to USD\$1,000,000), ii. Using prohibited fishing gear or interfering with another persons’ gear (fine of up to USD\$1,000,000), 		

- iii. Pollution of the sea (fine of up to USD\$5,000,000),
- iv. Possession of ETP species (fine of up to USD\$200,000),
- v. Fishing without a license (fine of up to USD\$2,500,000),
- vi. Failure to maintain a logbook (fine of up to USD\$500,000),
- vii. Failing to transship at a designated area (fine of up to USD\$1,000,000),
- viii. Failure in reporting a VMS that has stopped working (fine of up to USD\$250,000),
- ix. Deploying FADs without the appropriate permission (fine of up to USD\$500,000),
- x. Possessing fishing gear that does not conform to the requirements of the Act (fishing with illegal mesh sizes) (fine of up to USD\$750,000).

In addition to these sanctions, the ministry may also order prison time (not exceeding 12 months) when a fine is not paid, revoking a fishing license, ordering compensation to be paid to a victim of the offense, or ordering compensation for cleaning the polluted area. Furthermore, a continued offense will be treated as an individual offense.

There is clear evidence that a range of sanctions and penalties are enshrined within the fishery management plan. Slb meets SG60. However, despite there being a list of vessels that have been issued fines and sanctions, there is also evidence that the vessels have not paid the fines yet are still licensed. Therefore, Slb cannot meet SG80.

The development of the Fisheries and Aquaculture Act (2018) and the Fisheries and Aquaculture Regulations policy (2019) was produced in order to meet the recommendations made by the EU Commission during their audit of the fisheries management system, wherein they handed Sierra Leone a yellow card. The conditions of the yellow card stated that “the legal texts governing the fisheries” were “outdated”. The creation and implementation of the new Fisheries Act and Regulations demonstrates that Sierra Leone has made a conscious effort to improve and update the language of their management systems and to enforce new measures to ensure that it is robust. The Ministry of Fisheries and Marine Resources can also provide a list of licensed vessels that have been approved access to the Sierra Leone EEZ for fishing operations. The Act also outlines the requirement that all vessels report catch data via logbooks to provide relevant information for effective management of the fishery. Slb meets SG60. However, due to the EU yellow card not having yet been revoked, it is evident that there is more progress to be made for Sierra Leone in terms of the compliance, therefore Slb cannot meet SG80.

There was a fishery closure from April 1 to April 30, 2022, as a way to reduce fishing pressures, rebuild fish stocks and prevent over exploitation. This moratorium on fishing for the month was agreed by other stakeholders within the fisheries sector, including the Ministry of Trade, Marine Police, Customs, Sierra Leone Industrial Fishing Association, and the Artisanal Fishermen Consortium. During these closures, there is no report of non-compliance with the rules. Therefore, Slc meets SG80.

Mauritania

Performance Indicator	Draft scoring range	Data deficient?
3.1.1 – Legal and customary framework	80	No

Rationale or key points

The Mauritanian Ministry of Fisheries and Maritime Economy (MFME) is the central governing body in Mauritania for national and international fisheries management. Mauritania is also involved in the Fisheries Transparency Initiative (FITI), a global multi-stakeholder partnership that defines the information that the National Authorities must publish in line with the marine fisheries sector. This improves the transparency and inclusivity of the fisheries involved, by promoting discussions, informing the public on policies, and supporting the long-term contribution to a healthy marine environment.

The FITI outlines a range of requirements in which the fisheries must adhere to remain part of the initiative, including:

- Banning the use or transport of explosives, or toxic substances
- Prohibiting the possession of marine mammals, sea turtles, seabirds, and other restricted marine animals.
- Keeping a fishing log on board (which records all fishing operations, including discards, incidental catches, bycatch.
- Declaring entry/exit of Mauritanian fishing grounds
- Compliance with regulations aimed at the sustainable management of resources and habitats
- Compliance with submitting monitoring, control and fisheries surveillance procedures.

These requirements are also aligned with the needs of ICCAT and the Recommendations that bind fisheries to the RFMO Conservation Management Measures (CMMs).

In 2015, the MFME produced the Fisheries Code, which outlines all of the legislation and regulations for both international and national fisheries operating within the Mauritanian EEZ. In Chapter II, Section 1, Article 14, the Code stipulates that all interested parties must be disclosed within the fishery's management plan. Therefore, SIa meets SG80.

The Fisheries Code highlights commercial, industrial, and artisanal fisheries operating within the jurisdiction. The Code acknowledges the different needs of the different fisheries and stipulates that the management measure work on a flexible basis to regularly assess and adapt mechanisms where necessary.

In Chapter II, Section 13, Article 51, the Fisheries Code describes how conflicts of interest between different fisheries must be resolved or prevented. Title V, Chapter 1 of the Fisheries Code describes the 'provisions on control and surveillance of fishing activities' and includes several Articles that outline the specific enforcement actions that can be taken upon offending vessels or those that have been found IUU fishing. Article 76 outlines that *"when an infringement is detected, enforcement officers shall draw up a report of the offence...[which] shall... be forwarded to the designated competent authority, which shall take the necessary decisions under this law"*. Furthermore, Chapter II of Title V outlines the types of offences that are punishable and describes the fines in place, including:

- *"50,000 ouguiya to 500,000 ouguiya for small vessels;*
- *400,000 ouguiya to 4,000,000 ouguiya for fishing vessels of 50 GT or less;*
- *1,000,000 ouguiya to 8,000,000 ouguiya for vessels >50 GT and <100 GT;*
- *2,000,000 ouguiya to 15,000,000 ouguiya for vessels >100 GT and <250 GT;*
- *2,500,00 ouguiya to 25,000,000 ouguiya for vessels >250 GT and <600 GT; and*
- *4,000,000 ouguiya to 45,000,000 ouguiya for vessels >600 GT."*

In addition, the vessels may also have their catch, or any proceeds confiscated, and/or fishing gear confiscated. Furthermore, if the same offence is repeated, the original fine will be doubled (Article 87).

Article 98, Section 4, describes how the Mauritanian courts have jurisdiction over all offences committed in waters under Mauritanian jurisdiction.

There is sufficient and transparent mechanisms in place within the fisheries management of Mauritania, as described above and in greater detail within the Fisheries Code, therefore SIb meets SG60. The assessor has not been made aware of any legal disputes and the mechanisms are considered to be effective, therefore SIb meets SG80. However, there is no evidence available to demonstrate that the system has proven to be effective, so SIb cannot meet SG100.

Large, industrial fisheries work in tandem with smaller, artisanal or subsistence fisheries in Mauritania. All are well defined in the Fisheries Code. This demonstrates that there is some demonstrable management mechanisms in place to respect or observer the legal rights of local, small-scale fisheries. Subsistence and

artisanal fishers are also thoroughly described in Section 1.6 of the 2022 FiTI report submitted by Mauritania for the preceding years of 2019-2020. Therefore, SIc meets SG80.

Performance Indicator	Draft scoring range	Data deficient?
3.2.4 – Monitoring and performance evaluation	60-79	No
Rationale or key points		
<p>In Section 9 of the Preliminary Chapter: General Provisions of the Fisheries Code, it is explicit that the management of fisheries resources is subject to a regular process of monitoring, evaluation, and revision, therefore, SIa and SIb meet SG60. It is not clear whether this is external review and therefore SIa or SIb cannot meet SG80.</p>		

Guinea

Performance Indicator	Draft scoring range	Data deficient?
3.1.1 – Legal and customary framework	>80	No
Rationale or key points		
<p>In 2015, the Ministry of Fisheries, Aquaculture, and Maritime Economy of Guinea produced the Code of Maritime Fishing, which outlines all of the legislation and regulations for both international and national fisheries operating within the Guinean EEZ. The sector is controlled by the Ministry of Fisheries, Aquaculture and Maritime Economy. It is in charge of developing, coordinating, promoting and monitoring implementation of the Government’s policies in the areas of Fisheries, Aquaculture and Maritime Economy (Decree D/2016/094/PRG/SGG of 30 March 2016). In addition to the Office of the Minister and that of the Secretary General, the Ministry of Fisheries, Aquaculture and Maritime Economy also includes support services, central services and decentralised services.</p> <p>Central departments in charge of developing the Government’s policies on maritime, aquaculture and continental fishing are:</p> <ul style="list-style-type: none"> • National Department of Industrial Fishing, • National Department of Artisanal Fishing, • National Department of Aquaculture, and • National Department of Maritime Economy. <p>The Ministry has advisory bodies which include the National Advisory Council on Fisheries, Aquaculture and Maritime Economy, the National Transaction Committee relating to fishing vessels and the Disciplinary Council (SPCSR, 2023).</p> <p>Guinea is a party to The Lomé Convention: an agreement which governs cooperation between the European Union and countries in the African, Caribbean and Pacific (ACP) regions. It allows ACP countries to benefit from preferential access to the European market (a regime whereby most products from ACP countries are exempt from customs duties when entering the European market).</p> <p>Guinea has an effective national legal system and binding procedures governing cooperation with other parties that delivers management outcomes with MSC principles, therefore, SIa meets SG80.</p>		

The Code of Maritime Fishing also highlights that commercial, industrial, and artisanal fisheries operating within the jurisdiction. The Code acknowledges the different needs of the different fisheries and stipulates that the management measure work on a flexible basis to regularly assess and adapt mechanisms where necessary.

The National Confederation of Fishing Professionals of Guinea (CONAPEG) is a conglomerate of different federations representing artisanal fisheries, industrial fishing, exporters, wholesalers etc.). Each federation is responsible for resolving conflicts and disputes within their sub-sector of the fisheries ministry. If a resolution cannot be determined at this level, the dispute will be held at a tribunal.

When the dispute concerns the private sector or the State, an administrative procedure is opened through the Ministry of Fisheries and the Economy at the level of the Transaction Commission. The Commission was updated in September 2022 and for 20 years, they have only had one legal problem that has required the use of the court for resolution.

In addition, breaches of the obligations of State agents, described by law L/2009/027/AN of June 2019 on the general status of State agents are administratively, failing that, legally sanctioned. To this end, decree D/2022/0024/PRG/CNRD/SGG of 12 January 2022 on the attributions and organizations of the Ministry of Fisheries and Maritime Economy (MPEM) creates the advisory bodies which are: the National Council for Fisheries, Aquaculture and Maritime Economy, and the Disciplinary Board. This demonstrates that the management system incorporates a transparent mechanism for the resolution of legal disputes that is effective in dealing with both small-scale and industrial disputes regarding fisheries operating in the area. Slb meets SG80.

Title II, Chapter I, Section 3 of the Code describes the consideration of “Small-scale marine fisheries”, including reference to promoting the development of artisanal marine fisheries, and supporting the establishment of institutional mechanisms that encourage the participation of fishers’ development that preserves certain zones from exploitation. Therefore, Slc meets SG80.

Performance Indicator	Draft scoring range	Data deficient?
3.2.3 – Compliance and enforcement	60-79	No

Rationale or key points

All fishing vessels operating in the Guinea EEZ must be fully licensed, which can only be granted if the following formalities are granted:

- Registration with the National Department of Maritime Fisheries for any new fishing company.
- Technical and sanitary inspection of any vessel requesting a fishing licence.
- Presentation of the original certificate of gross tonnage.
- Marking of fishing vessels in compliance with the relevant provisions.
- Payment of fishing rights determined on the basis of the type of fishing, gross tonnage of the vessel and duration of the fishing activity.
- Mandatory installation and functioning of a VMS beacon.
- Presentation of the navigation licence.
- Boarding of a Guinean observer and marine.
- Registration of the vessel on the list of approved fishing vessels.
- Non-involvement of the vessel, its captain or company in IUU fishing activities.
- Landing of part of its products on the local market.

The 2014 Decree D/2014/007/PRG/SGG of the Ministry of Fisheries and Maritime Economy of Guinea requires that all fishing vessels must be equipped with satellite tracking devices, AKA vessel monitoring systems (VMS). The Decree states that no Guinean flagged, nor internationally flagged vessel is permitted to operate in the EEZ unless there is implemented VMS devices onboard the vessel. This was reinforced in the PAGPMD-PP-2023 that described the requirement that all vessels must have satellite tracking devices and communications equipment that is fully operational, and daily fisheries observers aboard the vessels during operations. SIa meets SG80.

The actions provided for by the Maritime Fisheries Code are applied consistently by administrative means (to the Transaction Commission, the Disciplinary Board, etc.) or by legal means. The list of infringements, fines imposed, and fines collected were published on the MPEM website (www.peches.gov.gn). The monitoring of the recovery of fines is ensured by the agent of the public treasury at the Ministry who informs the services concerned. Guinea regularly participates in joint surveillance missions organized by the Sub-Regional Fisheries Commission (SRFC). SIb meets SG80.

The Maritime Code, Chapter I, Section 1, Article 43 describes how no fishing vessel, national or foreign, may be used for commercial exploitation of marine living resources without a license or fishing permit. The license lasts for one year only and any action of fishing without this authorisation is a very serious offense. Article 53 outlines how a license or fishing permit can be revoked if it is deemed essential in the management of biological resource. Revocations of the license are also applicable to vessels that:

- Do not meet the standard of safety and seaworthiness related to onboard working conditions; and
- Systematically and deliberately violate regulations of the Maritime Code.

An electronic register of licenses is maintained by the Ministry in charge of Maritime Fisheries, and when a foreign vessel is applying for a license to operate in the Guinea EEZ, the Ministry will conduct an assessment of the vessel to ensure that neither the vessel, or the vessel owner has any history of IUU fishing (Article 57). A license can also be revoked by the Ministry if a vessel operating within the Guinea EEZ does not comply with the regulations of satellite tracking devices.

The Maritime Code also requires that all fishing vessels operating within the Guinea EEZ carry observers onboard. Any obstruction to the observers conducting their work will be considered a 'very serious' offense. Entry to port will be denied to any vessel that is deemed to have been IUU fishing. Any suspected IUU catch found during port inspections is seized from the vessel and a fine is issued.

Surveillance officers in port are permitted access to all areas onboard the vessel for inspection. They have the right to carry out inspections, request fishing licenses and logbooks, inspect fishing gear, examine catches and documents, and if necessary call the police (Article 166-168).

Title VIII Offenses and Sanctions, Section 3 outlines the different activities that warrant different sanctions imposed on vessels based on their severity. Fishing without a license can result in a fine that ranges from EUR 10,000 for small vessels (<12 m length), to EUR 2,000,000 for large, commercial vessels (>50 m length). Fishing gear, and catch may also be confiscated from vessels, and consignment of the offending vessel to port for up to four months may occur. The Code continues to describe some other sanctions that are in place within the management system that demonstrate an effective deterrence for fishers operating in this area.

The Ministry retains logbook data, licensing records of foreign and national vessels, and observer records, whilst requesting that all vessels have satellite tracking devices installed on board. Therefore, with no evidence of systematic noncompliance (SIa), it is thought that the fishers comply with the management system. SIc meets SG60. More evidence would be required to demonstrate that the fishers are complying with the management system in order to meet SG80.

There is no evidence of systematic non-compliance. SIa meets SG80.

Cape Verde

Performance Indicator	Draft scoring range	Data deficient?
3.1.1 – Legal and customary framework	60-79	No
Rationale or key points		
<p>Cabo Verde is Party to the 1982 UN Convention on the Law of the Sea since August 1987. It is Party to the 1993 FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (“Compliance Agreement”) since January 2006 and joined ICCAT in 1979 (FAO, 2008).</p> <p>The Ministry of Environment, Agriculture and Fisheries is responsible for implementing fisheries management. The legislative framework for fisheries consists of Legislative Decree No. 53/2005. This decree lays down the general principles for the management of the sector: the principles and concepts of responsible fisheries, including the precautionary approach; establishment of a National Fisheries Council; establishment of fisheries agreements with foreign operators and provisions for monitoring and surveillance of Cape Verde waters (Atlantic Ocean tropical tuna - purse seine (OPAGAC), 2014).</p> <p>Cape Verde has an effective national legal system and binding procedures governing cooperation with other parties that delivers management outcomes with MSC principles, therefore scoring SI(a)100.</p> <p>Decree No. 10/2015 describes the dispute resolution practices required by all fisheries and vessels operating in the coastal waters. The Decree outlines that all parties must firstly settle disputes between each other and failing that, the dispute can be brought to a higher judicial system, including the International Court of Justice, or the International Tribunal for the Law of the Sea (part 7).</p> <p>Decree No. 02/2020 outlines the restrictions and prohibition of certain fishing gears used onboard the vessels that may negatively impact sensitive marine species, including ETP species like sharks, turtles, and marine mammals. Likewise, the Decree describes the prohibition on certain fishing practices that would negatively impact marine habitats and ecosystems, including fishing on coral reefs, using toxic materials, releasing waste matter, and fishing in restricted areas (Articles 96, 99, and 100).</p> <p>The final chapter of Decree No. 02/2020 (Chapter VII) outlines the serious offenses that lead to fines imposed on skippers and vessels that include:</p> <ul style="list-style-type: none"> - Fishing in prohibited areas - Fishing in areas outside of the license - Fishing at depths not legally established - The sale of fish or other products caught using non-commercial fishing methods - Violation of authorised transshipment activities - Incorrect or deficient completion of fishing logbooks - Violation in communicating about the catch related to TAC and quotas - Violation of the duty of permanence of fishing vessels in port during fishery closure periods. - Use of restricted mesh sizes - Use or storage of prohibited fishing gears on board - Deposits, or abandonment at sea of fishing gears <p>The associated fines and sanctions for these offences include:</p> <ul style="list-style-type: none"> - 20,000 escudos to 50,000 escudos for artisanal vessels - 500,000 escudos to 1,500,000 escudos for semi-industrial vessels - 150,000,000 escudos to 300,000,000 escudos for industrial vessels. 		

However, for very serious offences, including fishing for and retaining prohibited species, coral fishing, forgery or concealment of vessel's identification, fishing without proper VMS equipment, fishing in reserved marine areas, etc., the fines can range from 20,000 escudos for artisanal vessels, to 300,000,000 escudos for industrial vessels. Likewise, very serious offences may also result in the seizure of fishing vessels and/or fishing gear, revocation of the fishing license, loss of state sponsorship, or inclusion of the vessel and owner on the national IUU register.

Section III-VIII of Chapter VII outlines the Administrative offense proceedings and describes the process when a fishing vessel or captain has been reported for conducting IUU fishing or another offense, including the immediate response to an offense, report of the offense, evidence collection, catch seizure, notifying the flag state, taking a security deposit, and jurisdiction procedure.

The Decrees outline that there are clear and transparent mechanisms in place for the resolution of disputes, which can be considered effective in dealing with the potential issues faced by the fishery, thus SIb meets SG80. However, there is no evidence to prove that they are effective, therefore SIb cannot meet SG100.

In 2020, Cape Verde introduced a legislative decree (02/2020) which explicitly requires that the fisheries management plan promotes and supports small-scale fisheries (SSF) guidelines. The SSF guidelines acknowledge the important social, economic, and professional role of SSF in Cape Verde's economy. Article 13 of the Decree outlines how the management is required to promote small scale fishing by supporting measures that favour the sustained development of small-scale fisheries, under the United Nations Food and Agriculture Organisation (FAO) Voluntary Guidelines for Ensuring Sustainable Small-scale Fisheries in the Context of Security Food and the Eradication of Poverty. The Decree outlines how the management plan considers the social, economic, and professional role of small-scale and disadvantaged fishing communities. Therefore, there is a mechanism in place that generally respects the legal rights created explicitly by custom of people dependent on fishing for food or livelihood in a sustainable way. Therefore, SIc meets SG60.