



Association for the promotion and the  
Accountability of the Artisanal  
Fishery Stakeholders in M'bour



Fish again for Tomorrow

**An Introduction Note toward the  
Governance of the maritime artisanal fishery  
in Senegal.**

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## I- INTRODUCTION.

The many fishing populations carrying out the fish catching activity are very often confronted with difficulties relating to the exploitations and serious problems that they have to overcome so that the fish catching activity will remain a constant resource of food and incomes. The access to the natural resources and their use are the main issues of controversy.

The use has demonstrated that the renewable natural resources such as the fishing stock are disappearing as a result of lack of rational governance, once the effective demand of a particular fish outreaches the biological capacity of the concerned stock. Within the fish catching sector, the exploitation of the water resources cannot be optimal and that in the long run the interveners be able to guaranty a rational governance. The establishment of restrictions on the free access to the resources is necessary, but not enough to guaranty rational governance. The required rights and the institutions must define a whole bunch of incentive measures promoting the curving of fishing effort at a level that corresponds to the optimal, sustainable and mainly a long term productivity for the resource. But it is not just enough to define these rights, but there is a need to get them implemented and abided by. **(Source: Fish Catching -FAO).**

To be in phase with the international institutions, Senegal has adopted a participatory approach involving all the stakeholders for a sustainable management of the water resources. So, the **Judiciary tools** accompanying this process have taken in charge this principle.

**The Law 98 – 32 on April 14th 1998 relating to the Fishing Code** provides in its title related to the fishery management and organization mainly in its **article 12 « local councils in charge of Artisanal Fisheries can be set up in the regions. The conditions of their creations, composition and their ways of functioning will be defined trough regulatory actions»**. **The decree 98 – 498 on June 10th 1998** relating to the implementation of the here above provided low highlights in its **articles 7, 8,9 and 10** the dispatching and the composition of the members.

In addition to Fishing Local Committee (FLC) set up by the communities at the steering sites level, we have also **the main body set up for the local governance of the artisanal fishery sub sector** that is the **Local Council of the Artisanal Fishery (CLPA)**.(source : **Artisanal Fishery Local Council's Assessment Report-DPM- Decem ber 2011**).

It is in this framework that Senegal, with the view of reversing the heavy trends of its fisheries management system as well as the development of its fishing economy , has taken up , among other management tools, the implementation of a co-management approach of the Artisanal Fisheries.

Success , extension and the sustainability of the co-management approach will depend on the good unfolding of the consulting frameworks set up to ensure the involvement and the effective part-taking of the grass-root communities in the management and organization of decisions.

## II- Basic points on the fishing sector Governance of the.

### 2.1- From the Governance concept

The governance of the fishing sector is hereby understood to be an **institutional regulatory framework** that has to make sure that the fish catching activities have a role that the population in a whole considers being suitable. It must also define the **rules and regulations that guaranty a faithful competition and an equitable access to the resources in this sector.**

The fisheries governance defines the principles and the main objectives of the sector, updates the **Political and regulatory frameworks, and moreover ensures the linkage between the government and the civil society** through the harmonization of the Individual, sector's and social perspectives, and by maintaining the social order and the productive socio-ecologic systems. It adjusts **and balances the interaction of the stakeholders, ensures the implementation of decisions and regulations and preserves the coherence between the different jurisdictional and spatial-temporal levels.** Finally, it defines the **power, resources and advantages attribution conditions,** and makes sure that the governance system conserves its learning and prospering capacity.

### 2.2- The Meaning of Good Governance Concept.

The good governance makes reference to « **Better-state** » which aims at putting into place softer steering and regulatory ways , better answering to the needs of the current societies and based on a real partnership between the different **(administration, political, and civil society) actors and at the different (local, national and international) levels.**

This last concept of good governance **gears a set of social values and principles** such as access to information, ***fight against corruption, efficient management of resources and sustainable development,*** for the present and future generations (at the social , economic and environmental level), dialogue between the different actors to make up decisions, etc. ».

The notion of good governance to be applied to the fishing sector is sometimes considered being an essential condition towards the achievement of a sustainable and accountable fishery at the bio-ecologic, social and economic level.

**The code of conduct for an accountable fishery (CCPR)** in 1995, and its many technical guidelines for an accountable fishery – of which particularly dealing with the Fisheries' eco-systemic approach (AEP) -does contain a bundle of **norms and principles for the fisheries' good governance** , among which one can cite :

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- The implementation of a **preventive approach** in terms of fisheries' management pending situations of shortages data or uncertainty regarding the scientific knowledge, so as to cope with the lack of « transparency » on certain fishery sectors ;
- The promotion of the « **participation** » **principle** at all the steps of decisions for the fisheries' organization ;
  - The promotion of the **international cooperation**, which partakes the taking into consideration of the « **subsidiary** » for the management of some fisheries ; or else the **search of balancing optimization among the marine wealth users while preserving the bio-diversity**, minimization of human activities' impacts on the marine eco-systems as well as the promotion of approaches in terms of fisheries management .

## **2.3- Main elements of the Fisheries Governance Framework.**

### **- 2.3.1. Policy and Planning documents:**

- Policies and Sectorial development plans;
- Action plan against INN fishing (illegal, un-declared and non-regulated fishing);
- Fisheries' Organization plans.

### **- 2.3.2. Legal Instruments:**

- Laws and regulations gearing fishing in a direct way (namely when it comes to access to the resources) or in indirect way (ex. texts related to environment), including the international fishing agreement.

### **- 2.3.3. Institutions:**

- Public (administrations, local collectivities, overseeing centers, research institutes) and
- Private (civil society in its broad meaning, including the enterprises, socio-professional organizations, fishing communities and NGOs) directly linked with fishing.

### **- 2.3.4. Services and other organization mechanisms:**

- follow up devices, controlling and overseeing (SCS), including punishment in case of any breach of law;
- Statistics' and or information systems of fisheries;
- Research device;
- Participation and contractual organizational mechanism between the state and the public –private instances (including access or fishing law agreement, and co-management plan aiming at sharing the responsibilities between the fishing stakeholders and the state) ;
- (Direct and indirect) physicality in the fishing field;
- Organization and Funding Mechanisms.

### **-2.3.5-Attitudes, procedures and institutions within good governance.**

Good governance requires first of **all that** all the responsible groups believe and react for the better of interest in the sector, and that they support a culture made both of transparency and efficiency. It requires clear and fair regulations. And

requires at last institutions able to minimize the probability of a political interference induces behaviors dictated through the search of income.

***A good governance is achieved only if the governance framework includes progressively a whole set of acknowledged principles that are namely openness , transparency, accountability, efficiency( and effectiveness), the participation , coherence, adaptability and reactivity as well as subsidiary and –proportionality.***

### **2.3.6- Effectiveness of Organization Services**

The issue related the effectiveness of the organization services can be appreciated through the analysis of functional relationships between stakeholders (administration, research, overseeing, professional) in the process of organization. Generally, the quality of these relationships is weak regarding the design less adapted to the dominating trend of the governance system.

In a caricatural way , this concept is the following : the research gives an idea of the storage states ,the administration identifies the imposing measures and get them validated, sometimes ,after a brief consultation of professionals , the structures in charge of the overseeing insure their implementation by relying on a mechanism implementing the central level means ( sub-regional), at the distracted level and often decentralized one via the delegation of certain power to community based structures.

This concept of governance and the institutional partitioning the opening / transparency , accountability ,efficiency and effectiveness principles that have to steer the drafting and the implementation of the common interest global project (public and private ) that makes up the sustainable and accountable management of maritime fisheries (source : **Supporting Document for the training upon the governance of maritime fisheries in the sub-region, Central and Southern and Eastern Africa /Indian Ocean (AO/A-OI)**)

#### **2.4- The basic needs required for the maritime fisheries governance.**

- a)- **The follow-up ; the Control and the Overseeing**

**Objective: the Follow-up, Control and overseeing systems are established and implemented in order to carry out diverse tasks. They namely help to gather information on the fisheries and fishing community that will be helpful in establishment and implementation of « Fisheries regulations».**

They help to gather, follow-up and to control the information on the fishing boats and the used engines, the catching and their quantities, fishing areas and the fate of the fishes once they are caught, **the control and the overseeing are the key elements for the achievement of the fisheries management process.** This element constitutes a real challenge in the artisanal fishing sector' governance , that produces about 50 % of the world caught volume and **80% of unloading in Senegal** stemming from the fish catching meant for human consumption.

**The National and coherent Follow-up , Control and overseeing systems, in addition to a strong regional cooperation in this field, are key elements to the fight against illegal ,un-declared and non-regulated fishing (INN).**

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- **b)- Water-related Research.**

**Objective: provide scientific information and recommendation formulas to the decision makers and to other stakeholders regarding the state of the resource and the appendix elements as well as the usage conditions and/or the optimal implementation.**

These information and recommendations have to be based on relevant results and reliable investigation and experiences, that proceed with the resource data collection , processing and analysis and follow-up, and the environmental , social , economic indicators etc..

**The Guaranty of a good Organizational System functioning and expected results from the established instruments meant for the good governance of fisheries must obligatory go through a regular assessment of the stock situations.**

For example, to insure an efficient implementation of results and recommendation from the research within the artisanal fishery sub-sector, this latter will have to take up a **participatory approach that takes into account the Local Traditional Knowledge.**

- **c)- Fishing statistics**

**Objectives: To provide relevant and reliable data in time meant for diverse usages (scientific, technical, economic, social etc....) in accordance with the needs of the users. The fishing statistics, with this regard, a key element for the decision making both at the level of the fish management and organization (controls of catching and fishing effort) rather than the investment within the sector.**

Also, it is an important tool for the governance of the sector.

Regarding the small scale fishery, more efficient data collection means must be determined namely to: carry out an investigation or a follow-up at the unloading or sampling levels or else , the registration and the branding of the fishing boat.

- **d)- Co-management**

**Objective: sensitize the actors to be concerned and look for suitable solutions to cope up with the problems of resource; make them accountable in the taking up of some decisions and their implementation at the grass root level. (Take-up of local initiative for the management of the resource).**

Different formulas can be provided according to the degree of involvement and or of accountability sharing among the partners. In all the cases, the resource to be co managed must be well defined, the stakeholder well identified, the sharing of responsibility clearly precise on top of that the regulatory devices well defined so as to achieve a good framing of the activities to be carried out.(source :Dr A.S.DIAGNE-INTRODUCING NOTE ON THE COMANAGEMENT OF THE FISHING RESOURCES- contribution from group I with the COGEPAS) program .

- **e) The Organizational and co-management tools for the fisheries.**

The fisheries organizational and co-management tools generally used in Senegal established by the marines protected areas (MPA) and the artificial reefs.

*« Senegal is among the rare African countries to have carried out a large immersion program on the artificial reefs along the last twenty years. Initiated at the*

*beginning of the year nineties in partnership with the Senegalese federation of fishing sport, these immersion programs have recently been completed with the help of Japan through the support to the carrying out of the fishery co-management process with the small scale fishing communities along the Small Coast.*

*Given the encouraging results already achieved in this field, and facing the running out of the water resources and the coastal marine degradation, the government, in its fisheries sector political letter adopted in 2008, has decided to strengthen its policy on the integrated management of the coastal area and the preservation of the marine environment through the setting up of marine protected areas network and the management of the marine seabed through the immersion of the artificial reefs(source : **the management of the artificial reefs for the fisheries organization and the conservation of the marines resources ; Preface : Ministry of maritime economy, fishery and maritime transportation**).*

In this context, the Senegalese sectorial policy grants an important place to the immersion of the artificial reefs as structuring tools for the promotion of an integrated management in the coastal area.

- **Marine protected areas**

The marines protected areas in West Africa are reported in the 6th Category of UICN:

*« the protected areas mainly managed for natural ecosystems sustainable usage purposes with less modified natural environments features, managed with the view of insuring the up-keeping of biodiversity in a long term and at the same time by meeting the needs of the housing communities both in terms of products as well as in terms of services ».*

The protected areas are presented as well to be a means of solving the difficulties stemming from the looting of fishing wealth resources and overcoming under-development.

**The good governance stake of these protected areas** resides in overcoming the management mainly for the sustainable use of the natural ecosystems purposes. Put up a protected marine area and determine its' objectives is one thing, but to analyze the good functioning of all its actors and results is another one.

The world sustainable development summit, held in Johannesburg in 2002, reaffirmed the role of the protected marines areas in the conservation of the biodiversity by taking up the commitment to set up representative networks meant to cover about 20 to 30% of the maritime area at the horizon of 2012.

- **Artificial reefs**

The artificial reefs can mainly target the support and the development of the coastal fishery.

The artificial habitats are efficient tools, not only for the fisheries' organization, but play also an economic role for many activities, such as the artisanal fishery, sportive marine, fish breeding, and the touristic scuba-diving.

The targeted objective can also be to restore, maintain or develop the seabed in order to conserve or develop biodiversity.

In the set of functions regarding the artificial reefs and habitats (attraction, concentration, production, protection, small scale fishing activities, fish breeding stopped over , diving , etc .), the protection and restoration of deteriorated marine habitats plays sometimes a key role.

### III- GOVERNANCE OF THE SMALL SCALE FISHERY IN DENEAL.

#### - 3.1- General Issue: (source: SENEGAL L – INTEGRATED FRAMEWORK DIAGNOSTIC STUDY OF TRADE INTEGRATION- May 21<sup>st</sup>, 2002.)

If the serious issues linked to the water resources crisis are the same in Senegal as in most of the other countries, its fishing sector is confronted with a **particular aspect**: the inability of the government to undertake, in time, useful requested actions to cope up with the crisis coming up at the horizon , by implementing less efficient stopgap , *slowing the decision taking or else making decisions that are not compatible with the situation of the current fishing sector*

This approach has reduced the competitiveness and the efficiency of the whole sector. **The un-effectiveness of the governance is then the main cause of most of the symptoms within the present fishing crisis in Senegal, and bears a big part of responsibility in the deep sea fish stocks decline** ( and probably the coastal pelagic) **and in the increasing scarcity of raw-materials for the processing and exportation.**

#### 3.2- Regulatory and Institutional Framework on the Senegalese Fishery Governance.

##### 3.2.1-Legislation in terms of fishery governance

The governance related to the maritime fisheries in Senegal is regulated by fundamental texts that are the law 98-32 on April 14th in 1998 relating to the fishing code and its implementation decree N° 98-498 completed by other regulations regulating some particular principles provided by these fundamental texts.

The law 98-32 on April 14th in 1998 relating to the maritime fishing code in Senegal provides in its article **13 Section 4 – Artisanal Fishery**:

**« Article.13. - The state favors the development of the small scale fishery thanks to its vitality, its socio-economic importance and due to the fact that it constitutes a long tradition in the country. It supports the establishment of the institutional mechanisms encouraging the participation of the fishing population in the organization of the resources according to suitable modalities, to keep some areas from being exploited by the artisanal fishing population and , in general, the creation of conditions in favor of this sector».** Special regulatory measures are taken up as the needs arise ».



Relating to the organizational issue, the fishing code, provides namely as following:

**Title 2 – Fisheries management and Organization**

**Chapter 1 – General arrangements**

**Section 1 – Fisheries organizational plans**

*« Art.10.- S under the authority of the ministry in charge of the maritime fishery , the fisheries organizational plans are established on a yearly or multi-yearly. These plans are periodically revised according to the evolution of the data characterizing the fisheries ....*

*.....during the establishment of the organization plans related to the species stock share with the other states in the sub-region, the Ministry in charge of The maritime fishery, consult, either directly or in the international organization framework, with the authorities in charge of fisheries in these given states, in the view of insuring the harmonization of the respective fisheries organizational plans.*

*The Ministry in charge of the maritime fishery makes sure, therefore, that the main interested socio-professional categories be consulted during the drafting of the plans and insures the compatibility between the plans arrangements and other documents concerning the marine environment».*

**The Governing Bodies** of the maritime fishing sectors are also defined within the **Law 98- 32 and in its implementation decree N° 98\_498:**

**Chapter First (Fishing Code)**

**Maritime Fishing Bodies**

**Advisory board**

**- National maritime advisory fishing board**

*« Art.11.- it is created, at the national level, a body named the national maritime advisory fishing board.*

*The board, chaired by the Director of oceanography and maritime fishery, is made up of representatives from the administration, scientific research, and interested socio-professional category and from the sportive fishing federation.*

*The attributions, the composition and the functioning mode of the board are set by a decree.*

*Section 3 – Local fishing councils ».*

**Maritime local fishing councils.**

*« Art.12.Local councils of the maritime fisheries can be set up in the regions. Their creation, composition, attributions and functioning mode conditions will be defines through regulatory means ».*

**The decree -98\_498** relating to the implementation of the law 98- 32 en within its chapter first dealing with the maritime fishing bodies precise the

conditions and the modalities on the setting up of local artisanal fishing councils provided in its articles 7 and as following:

- **Article 7**

*« In each region where there are maritime related fishing activities, the Minister in charge of maritime fishing can set up, through decree, artisanal fishing local councils».*

- **Article 8**

*« Each council is made up of the local administration representatives, elected bodies, notables, small scale fishermen, artisanal fishing associations, processors, fish breeders, and the wholesalers.*

*The board members are designated by the Ministry in charge of maritime fishery on proposal made by the maritime regional fishing service chief in consultation with the local maritime professional fishing organizations.*

*The sessions of the board are chaired by regional executive chairperson or his representative. The chairperson can invite to the board sessions, any person whose presence, he judges to be useful given the agenda».*

- **Article 9**

*« The local artisanal fishing councils, have namely as a role:*

- (a) To provide, on request from the Minister in charge of the maritime fishery or his representative , information regarding all the issues related to the artisanal fishing and the marine culture activities within the concerned locality;*
- (b) To insure the artisanal fishermen and the fish breeders' information regarding all the measures relating to the maritime fishery and the marine culture within the locality;*
- (c) To organize the locality's fishing population in a way to reduce and to resolve the conflicts between the fishing communities and between the fishermen using different fishing methods;*
- (d) To organize the small scale fishing populations so that they can help the administration in the follow-up and controlling operations of the fishing activities. »*

- **3.2.2 – the institutional and technical arrangements.**

**a)- the administrative services**

placed under the administrative trusteeship of the **Ministry of Fisheries and Maritime Affairs**, the central administration composed of the **Maritime fisheries Directorates, Fishing Protection and Overseeing, Industries and Fishing Products Processing, of the Trading Marine** are each of them in charge of the implementation of the sectorial policy defined by the government with the decentralized service and the attached projects. The attributions of each of these structures based on their

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technical competences are defined through decree relating to their organization and functioning.

In the framework of the good governance, this sharing of the recurrent accountabilities and tasks will have to be based upon complementary capacity of the respective missions and the collaboration in the actions for the achievement of strategic objectives assigned to the sector.

**b) - Research Institutions**

The Oceanography Research Center of Dakar-Thiaroye (CRODT) which is under the administrative trusteeship of the Ministry of Agriculture and under the Technical trusteeship of the Senegalese Agricultural Research Institute (ISRA) is the main interlocutor of the fishing department in terms of water resources.

**c)- The Civil Society Organization**

They are made up of:

- **The Sector's Professional Associations.**

In the artisanal fishing sub-sector, they are made up of multi-labor associations and Economics Interest Gatherings (**GIEs**) by professions most of the time gathered in federations that undertake as a mission among other the defense of the material, moral interest of their members.

- **Fishing Local Councils (CLP)**

Professional organizations are also present at the local level and bear the names of Fishing Local Councils (FLC) that gathers all the artisanal local fishing actors represented by working college within these organizations of which vocation is to take part in all is related to the exercise of the Works at the local level including the activities related to the co management.

**d) - The Non-Governmental Organizations (NGO)**

Some non-governmental Organizations such as Enda and WWF do take part in the local governance of the small scale fishery by supporting the grass-root actors namely in the initiatives on co management.

**3.2.3- Measures and initiatives taken up in the framework of the governance and the artisanal fishery management.**

**a)-From the State**

**Regarding the Measures' plans** aiming at solving the global issue related to the regulation of the access to the resource in Senegal as far as the artisanal fishery is concerned , the state has introduced in the framework of the political management and rationalization of the artisanal fishery exploitation, **The artisanal fishing permit, the computerized registration of boats**( achieved through the support of the development partnership); **Professional cards for the wholesalers and the biological rest for some species.**

- **The national automate registration program of artisanal fishing boat in Senegal (PNI)** gets into the line of the strategic sustainable development in Senegal through the mastering, on the one hand the fishing capacities, the regulation of fishing efforts and on the other hand, the contribution to the efforts for the organization and the sustainable management of the fishing resources in Senegal

through the mastering of the boats parking by means of controlling its number in a long term.

The decree 98-498 setting the application modalities of the law 98-32 relating to maritime fishing code of Senegal and to this regard provides:

## **SECTION II ARTISANAL FISHING**

### **Article 12**

*The Ministry in charge of the maritime fishing or its representative avail himself the right to ban the artisanal fishing activities for the following reasons:*

- (a) *When the boat bought, built, modified and converted without a former authorization within the conditions that would have been defined;*
- (b) ***When the boat has not been registered and marked in compliance with the provided laws;***

- **Artisanal Fishing Permit**

The Senegalese State, after a set of consultations with the professional organizations, has decided, in addition to the industrial fishing permit, to provide the artisanal fishing permit as well.

Created through the law N° 00516 MEM/DPM/MDT on 10 -25th -2005, ***the artisanal fishing permit has for an objective to regulate the maritime artisanal fishery over all the waters under the Senegalese regulations (Article first).***

It has, as among other usefulness, to control the access to the resource.

**The Article 5 highlights that:** « the artisanal fishing permit is required from all the national population willing to carry out artisanal fishing activities on the waters under the Senegalese regulations. *When it comes to the foreign artisanal fishing communities authorized to fish on these waters under the coverage of a both side agreement , the conditions to carry out these activities are defined in the agreement or the protocol linking the their countries to Senegal »*

**The article 7 provides:** « The issuance of an artisanal fishing permit is subject to a compulsory payment of a yearly flat-rate license fee of which amount is set by a decree from the Ministry in charge of fisheries and the one Ministry of Finance. »

### **The initiatives and the main actions.**

They mainly deal with:

**\*the exploitation concession and the management of infrastructures as well as collective areas** (Fishing docks, fishing products procession areas, complex fridges) in the location areas at the local collectivities.

The setting up of buildings on the unloading sites of the artisanal fishing products gets into the framework of the implementation policy of equipments and fishery installations, engaged with the application of the European norms related to the sea products treatment.

The expected objective from the handover of buildings is double:

- A direct participation of the professional organizations in the exploitation and the management of the set up infrastructures;

- The compliance with private enterprise performance criteria (exploitation financial balance ,accounting transparency, hiring of skillful staff).

The exploitation and the management of the buildings are confided to an inter-professional to be made up of representatives of different trade unions and professional organizations of the fishing sectors.

\* **the achievement of the analysis laboratory for the fishing products and the sending of** qualified technicians at the fish unloading site to better meet the requirements for the normalization of products to be exported;

\* **Availability of Funds for the funding** of the artisanal fishery lodged at the National Farming Credit Cash of Senegal (CNCAS).

#### **b)- For the Artisanal fishing Professionals**

##### **\* Co management initiatives**

Through the co-management, the grass roots actors will be in charge of the resource management. The co-management helps with the raise of awareness among the fishermen regarding the issue on the scarcity of the resource and also regarding the necessity of finding solutions. It provides also opportunities to the professional actors to make proposal of local management initiatives, implement them and follow them up . It takes part at the same time in the training of the actors in terms fishing management and by the way provides them with necessary tools to be able to efficiently partake to the resource management by the administration sides. **(Source: Co management Analysis in Senegal – Assessment Commission Report).**

The actions taken up by the artisanal fishing professionals gets into the framework of the co management initiatives carried out in some localities and namely deal with:

- **Biological Rest** for some species meant for exportation (ex : octopus) and
  - **The creation of protected marines** o that will stand as a means of resolving the difficulties brought about by the looting if the fishing resource wealth and to overcome the under-development.

#### **c)-For the NGO and Cooperation bodies**

Their intervention deals essentially with the support brought to the professional local organizations in the co management initiatives (financial support, materials and training).

In Senegal, co management has been implemented since 2004 in Nianing with JICA, trough OAFIC, and has been followed by other initiatives, namely GIRMaC/GDRH with BM, Wule Nafaa and then Comfish with USAID.

Different approach and consultations have been carried out during these last fifteen years, in order to reverse the trend of overexploitations, namely by insuring better local governance of the fishing activities and sensitizing and involving in advance the concerned actors. It is within this framework that Senegal has taken up actions and retained different co management projects and programs. **(Source: Dr A.S.DIAGNE-INTRODUCTIVE NOTE ON THE FISHING RESOURCES-contribution group I program COGEPAS).**

### **3.3- Problems related the maritime fisheries governance in Senegal**

#### **3.3.1- Causes of the fishing governance weaknesses.**

- **Source: SENEGAL –INTEGRATED FRAMEWORK-DIAGNOSTICS OF COMMERCIAL INTEGRATION- May 21<sup>st</sup>, 2002.)**

##### **3.3.1.1-General Issue.**

A combination of factors has contributed to mitigate the answer of the government to the alarming signals that are the decline in the fishing stock and to other sectorial problems. Without any pretention of providing an exhaustive list , we can mention : the very low standard of the financial means made available by the national budget and the donors to support the more efficient measures, the well established reluctance to offence the industrial profits, the payment of the substantial financial means granted on the title of foreign fishing agreements, the pressure exercised by the industry to be able to maintain status quo, and the spectrum of the political and social ramifications of all the measures aiming at putting a cup on the fishery expansion, let alone to restrict it, particularly the artisanal fishing . These weaknesses in the governance have also impacted the competitiveness of the industry, as it is shown by the failure of the former efforts of the public and private sectors to reframe the tuna canning industry and to make it more competitive on the global markets.

##### **3.3.1.2- the case of the artisanal fisheries.**

The artisanal fishery is a profession in Senegal which is sometimes put down from generation to generation. For decades, the artisanal fishing populations have exploited the coastal fishing resources, in particular the small pelagic. It is , then , not surprising that in their traditions, they consider having right to a free access to these resources.

This belief got broken with the massive arrival of ex farming workers (confronted with a brutal decrease of the farming yields) in the artisanal fishery, through the decline of surplus stock, and particularly through the current increasing presence of vessels flying the foreign flags and intending to exploit the stock of the small pelagic – a presence that is nowadays fought in a very efficient way by numerous actors of the sector.

Nevertheless, this sense of acquired right remains always spread among the traditional fishermen, and has contributed in preventing the instauration of a good governance of the artisanal fishing sector, helped from the fear of the authorities when it comes to the consequences in terms of un-employment to be controlled by a better capacity.

What frightens the government is that any questioning of the current free access can immediately impact the capacity of the sector to absorb an unemployed labor and to increase the job opportunities in the rural and coastal areas.

Fearing the political and social aftermaths , the government has then avoided taking any decisions that could , in a restrictive way , restrain this free access, and by

the way indirectly support the ongoing expansion of the sector, for instance by keeping the fuel subsidy used by the artisanal shipping.

**The constraints linked with exercising the artisanal fishing and its related activities** are featured by : **(source: Fishing sectorial political letter).**

- Non-adaptation and lack of basic infrastructure at the fishing centers (unloading areas, processing sites, means of conservation of products and transportation, production paths;
- Weakness of the fishing infrastructure management in terms of norms , hygiene and the products traceability, which clearly causes huge number of problems related to the normalization of the field's upstream ;
- Bad hygiene of the artisanal products processing sites resulting in health risks for the population ;
- Considerable losses after catching;
- Lack of regulation as for the boats and the means of transport participating in the exportation fields of fishing produces toward Europe ;
- Shortcomings in the training and the organizational weakness of the actors in the different fields ;
- Inexistence of regulations and control regulating the exercise of the artisanal fishing related works (artisanal processing, wholesaler) ;
- Less contributing activities funding system has an actual activity modernization policy;
- Weaker propensity of the small scale fishermen when it comes to implementing the sea security measures and taking up accountable fishing practices.

### **3.3.3- the determining features of bad governance.**

#### **a)-In the Institutional and regulatory framework**

##### **- Regulation**

The regulation generally clear and suitable to the different generating fact suffers from the inefficiency in the texts' application. This situation stemming from many causes linked with the ills that affect framing device of the sector can namely be attributed to factors related to the slackness (status quo), to corruption , lack of (materials , human and financial resources).

##### **- The administration services and the related structures**

The institutional fears of the sector are translated by the following shortcomings: **(source: Fisheries sectorial policy letter).**

##### **• Administrative services**

- Lack in number and in quality of the administrative , technical and financial framing of the sector facing the present stakes , namely those relating to the management and the organization of the fishery , restructuration of the field downstream and its regularization of hygiene , sanitation , development and fish breeding;

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- Lack of implementation of adjustment process for the sectors institutions relating to the new fisheries' management issue. This lateness is being translated by a difficulty from the administrative, professional and co management and research structures to carry out in an optimal standard the missions on the fisheries 'management. It is at the same time revealing
- Incoherence sometimes in the institutions practice;
- Weak analysis , follow-up and coordination capacity of the administrative structures;
- Non-adaptation of the administrative institutions and the funding system for the artisanal , continental and industrial fish catching ;
- Diversity and lack of coordination of the public administrations' intervention , NGO , donors in the sector ;
- Weakness of the information system to support the sectorial analysis and planning, particularly in the economic areas.

- **The artisanal fishery local councils :Assessment of the CLPA/DPM-December.-2011)**

Nowadays, rarely do you notice that most of the CLP don't work despite the statutory powers and their action plans defined during their setting up and their approval by the MEM.

This situation can jeopardize the achievement of the activities, namely the ones in relation with the validation of the co management local initiatives or with the preparation of the management consolidated plans for the artisanal fisheries.

The common weakness to all the CLPA is found at many levels:

- CLPA missions:
  - Apart from the member advisers of CCI, the other actors don't know about the CLPA missions;
- CLPA Structure:
  - The weight of CLPA structure;
  - Some authorities have not signed the internal regulations and the list designating the members ;
  - Lack of accountability among the grass root actors ;
  - The ignorance of the CLPA judiciary statute by some stakeholders.
- the fishing resources management activities by the power vested to the CLPA remain unsustainable and rarely live up to the expectation of the this field. For the accountability of the actors within CLPA, we do notice that, within the program, the role of the actors is not clearly defined.

- **The non-governmental Organizations (NGO ).**

The activities carried out by the NOG get away very often from the controlling of the trustee administration services. These organizations characterized by missions,



objectives and their own profits, are sometimes the reason why we notice a lack of coherence in their intervention with the defined sectorial policy.

On the other hand, the large number of NOG's that intervene in the same areas and having the same targets do bring about confusions at the level of beneficiaries not to say a competition both between the NGOs and the targets that contribute to the deterioration of the outcomes and impact their actions .

Thus, the lack of harmonization of their programs does not promote a complementary quality of their actions, the efficiency in the achievement of results, effectiveness in the implementation of means and visibility and /or the sustainability of impacts and the level of the targets.

#### **b) –Organization of the Fishing activities :**

The fisheries organization is suffering from the lack of organizational fisheries systems, based on technical, social and economic coherent measures articulated around clear objectives of fishery management. This situation is partially explained by the fact that the administrative, financial and the technical framing of the sector is not living up to the expectations of stakes for a sustainable fishery development.

#### **c)- Research**

The research is characterized by the lack of information on the state of the resources. Therefore, an important part of the fisheries development reveals itself to be unsustainable due the lack of research on the environmental and strategies optimization consequences as a result of:

- The in-adaptation of the institutional anchorage (sectorial consideration) ;
- Lack of openness (partnership),smoothness;
- Lack of materials, human and financial resources (disciplinary and geographical limitations etc...);
- Lack of sharing (communication) ;
- Lack of follow-up (overseeing).

#### **d)- Statistics:**

The fishery's statistics which are in some ways correlatives to the fishing research are being characterized by:

- The lack of harmonization of severity regarding the used data collection methods;
- Lack of human resources necessary for the sector's indicator;
- Dephasing between the collection, analysis and data duplication times etc.

This shortcoming provide very little credibility , relevance and reliability to the fishery' statistics mostly the artisanal sub-sector which doesn't enable to set up a organization and investment policy suitable for the sector.

### **e) –Follow-up Control and Overseeing**

This fundamental means of fisheries 'management and governance is hampered:

- The weakness in the fisheries controlling and overseeing;
- The shortcoming in its implementation, that should be carried out with the participation of government civil servant , the fishing communities and fishing sectors representatives;
- The incoherence and lack of the national follow-up coordination , controlling and overseeing systems (FCS) and the sub-regional cooperation within this domain, that are the essential elements in the fight against the illegal, non-declared and non-regulated fishing (INN).

### **f) - Co management**

The implementation of the co management process reveals some shortcomings namely related to the following aspect:

- Weak accompaniment of the actors regarding the financial level (lack of follow up in the accompaniment measures , that are not sometimes the ones chosen according to the priority by and in addition to the weaknesses of the RGA means .
- Lack of overseeing , follow-up and the implementation of the initiatives;
- Lack of accountability of the actors in the management ( the stakeholders don't insure the management principles , for instance the overseeing) ;
- Weak involvement of the fishing administration agent that make up the other vital strength for the ongoing of the co management;
- Very high cost of developed initiatives, taking into consideration the fact that the co management must be insured by the state ;
- Weakness in the communication aspect within the process of setting up the initiatives.

### **g)- The Exploitation / the Management of the Infrastructure**

#### **- Fishery landing site**

In the accountability transferring policy by the State in terms of the infrastructures exploitation and management, the landing sites in this sectors are the major justification elements and more visible at the level of the artisanal fisheries.

If the concession and the retrocession acts are very clear in relation with the organizational principles and the management and exploitation procedures, it still remains that their implementation suffers from irregularities and shortcomings that don't foresee the achievement of the targeted objectives through the achievement of these infrastructures that consist in:

- **« Implementing the fishing equipments and installations, engaged with the application of the European rules regarding the sea produces processing.**
- **respecting the private enterprises' performance criteria (financial balance regarding exploitation, accountable transparency, and hiring a skilful staff »).**

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*This goal is far from being reached due to the non-application of some conventions 'fundamental principles related to the projects concession and sub-concession.*

The very outstanding sprains to the management and exploitation principles of these infrastructure stem from the administrative devices made up of exploitation advisory committee consulting committee and the follow-up committee which are not operational given that they don't meet their assigned expectations. These deal respectively with:

- **The advisory exploitation committee**

- **« the control and their respective obligations ( the two parties: commune and inter-profession), namely the use of the prepared areas for specific and exclusive of the fishing activity operators, the deposit and management if the equipment remittance, the abiding by of the environmental health norms , and the effectiveness of the security devices during the boats' docking;**
- **The regulations related to all the unsolved disputes by the overseeing body;**
- **Thoughts and expertise, namely regarding the any issue relating to the expansion of the organizational program, the equipments valuing, conceded arrangements , the use of the equipment's remittance and any other aspects useful to the parties».**

- **Follow -up Committee**

**« The Commune sets up a follow-up technical committee in charge of supporting and advising the inter-professional GIE. The committee carries out directly or through the intermediary of people carrying out all the controlling operations that they deem necessary for a good achievement of its mission »**

- **Assessment**

**The prescriptions provided in the specifications and in the management must be assessed every two (2) years so as to appreciate objectively the management and the fishing berth.** Such an assessment has never been carried out.

- **The Inter-Professional GIE**

The shortcomings relating to the application of the under-concession act principles deal with:

- **The inexistence of unexpected expenses supervising and approving body, or in case it exists it doesn't apply the instructions provided by the under-concession act that stipulates :**

**«the decision making body is in charge of identifying the necessary measures for a good unfolding of the berth exploitation , namely the issues related to the conceded field surface attribution , circulation plan , remittance payment and the exceptional expenses approval, the site organization, the identification of additional activities, the modalities of double taxation for some operators and any other issue submitted by the parties ».**

- **The Staff expenditures**

This part constitutes one of the most strangling aspect when it comes to the management and the exploitation of the berth, and induced sum of money are provided to some members of the restraint management committee of which members assign themselves frameworks that provide to them an under concession act and, not abiding by the principles prescribed to this regard.

This latter says:

**« the sub-dealer is supposed to sort out his own personnel's expenditures (employees: two expected: the exploitation chief and the accountant), divers dealers, diver allowances, attendance coins, etc.). nonetheless, the payroll authorized by the city council can't exceed 25% of incomes induced by the berth's exploitation ».**

**- The instances renewal**

One of the recurrent shortcomings in the fishing berth exploitation is the lack of transparency and democracy that exists within the inter-professional GIE in charge of the exploitation being translated by the un-detachability of the leader , despite the instance renewal planned by the specifications of the under concession which stipulates:

**« the sub-concessioner will narrowly see to the strict respect of the status , namely he should proceed with renewing the basic instances in compliance with the statutes principles by associating the antecedent authority , the governor or his representative and the fisheries Service ».**

**h)- the fisheries management tools and the resource preservation**

- **Management of the protected marine areas (source : the Western Africa Protected Marine Areas )**
- **The Governance Mode Characterization and Assessment**

A literature review on the protected marine areas has shown that the considerations on the environmental and local governance were succinct and concentrated on the most reductive notion of the participative management, and such a reduction indicating the weakness of the analysis framework.

The characterization of these spaces governance mode requested to put forward beforehand (the demographic, socio-economic, judiciary and the institutional constraints. Very often regarding the west African contexts, the following constraints analysis were compulsory: the densification of the people and the intensification of the mobility , disturbance and the extraversion of the local economies , the international inspiration of policies and the administrative colonial legacy, and finally the syncretism of rule of law system.

**- The background of the objectives clarification and the stakes.**

The specialized literature on the protected marine, which essentially refers to the developed countries, distinguishes **three main typical objectives.**

- **First**, the biodiversity preservation objective
- **Second**, and the sustainability fishery objective;

- **Third**, the promotion of objectives that is non-extractive, pleasurable and touristic.

The experience provided by a great number of studies show that the confusion relating the objectives assigned to these spaces is more frequent and more pronounced within the developing countries.

- **Organization and management of the artificial**

The obtained positive objective in each case confirmed by the sub-marine pictures that show the concentration of the fishing species of great commercial values (rose Dorado and the thiof), is darkened by **four problems**:

- Difficulty related to the protected areas supervision;
- Difficulty in terms fishing capacity conciliation with the resource available within the protected areas;
- Lack of scientific follow-up for the artificial reefs real impacts on the ecosystems;
- Low level of in actors' awareness when it comes to accountability of the artificial reefs' management.
- *The intensification of the human concentration on the littoral has increased the entropic pressures on the fragile species and on these natural resources; and from that stems sometimes a very important degradation of thousands of natural resources , namely fishing resources, as well as big losses of significant biodiversity ,so this degradation and this weakness of the marine environment accountable for the weak economy incomes ; they reduce for example the productivity of the fishing resources and amplify their variability, in particular under effect of global changes, which partially increase the occurrence and the severity of the crisis. (source: the management of the artificial reefs for the organization of the fishery and the conservation of the marine resources ; Preface : Ambassador of France in Senegal).*

- **The Artisanal Fishing Permit**

The article 5 principle relating to the decree and which compels all the nationals to have permit to be able to exercise the artisanal fishery within the waters under the Senegalese jurisdiction is not abided by. The free access for the majority of the small scale fishermen is still the rule.

***The ineffectiveness of the 60% depositing, of the remittances to be debited from the artisanal fishing permits and that has to go to the fishing professional , and should have been perceived via CLPA, would be from the fishermen's idea the main reason related to the non-payment of the permit.***

- **The boat registration immatriculation**

The generalization of the computerized registration of the boat sis confronted to three main problems:

- **Technical problem**: the identification apparatus can't read the sim incorporated in the pin of the boat;

- **Financial:** the selected GIEs for the boats embarkations are confronted with financial means problems as a result of the service performance non-payment;
- **Information/Communication :** The lack of communication and the actual basics of the boat registration has raised a mistrust not to say defiance of fishermen regarding the program, thinking that it will be a means of the state to census them with the view of paying the taxes.

- **The whosalers' card**

Despite the existence of the decree setting up the conditions of this activity carrying out, very few people practicing this activity hold this card.

This activity is characterized by a kind of liberalism as a result of lack of control from the competent agents who make no distinction between the wholesalers respecting the rules and the other operators, namely by delivering to any applicant a first sale certificate which , though , meets precise conditions.

***This context calls upon vigorous and urgent reforms aiming at cleaning and organizing the fishing sector so that this branch of economy will remain among the top wealth providing sectors and sustainably takes part in the fight against poverty.***