

IN THE THIRD SESSION OF THE EIGHTH PARLIAMENT OF  
THE FOURTH REPUBLIC OF GHANA

REPORT OF THE COMMITTEE ON ROADS AND TRANSPORT  
ON THE CAPE TOWN AGREEMENT, 2012 OF THE  
INTERNATIONAL MARITIME ORGANISATION

JULY, 2023

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**REPORT OF THE COMMITTEE ON ROADS AND TRANSPORT**  
**ON THE CAPE TOWN AGREEMENT, 2012 OF THE**  
**INTERNATIONAL MARITIME ORGANISATION (IMO)**

**1.0 INTRODUCTION**

The Hon Deputy Minister for Gender, Children and Social Protection, Ms Lariba Zuweira Abudu, on Tuesday 24<sup>th</sup> May, 2022 laid before the House, the Cape Town Agreement, 2012 of the International Maritime Organisation (IMO) on behalf of the Hon Minister responsible for Transport, Mr Kwaku Ofori Asiamah. The First Deputy Speaker, Hon. Joseph Osei-Owusu, referred the Agreement to the Committee on Roads and Transport for consideration and report to the House, pursuant to article 75 2(b) of the 1992 Constitution of Ghana and Orders 156 and 189 of the Standing Orders of the Parliament of Ghana.

The Committee held a meeting with the Hon Minister responsible for Transport, Mr Kwaku Ofori Asiamah, officials from the Ministry of Transport and the Ghana Maritime Authority on Saturday, 8<sup>th</sup> July, 2023 and considered the Cape Town Agreement, 2012 of the IMO. The Committee is grateful to the Hon Minister and his team for assisting the Committee in its deliberations.

**2.0 REFERENCE DOCUMENTS**

The Committee made reference to the following documents during its deliberations:

- i. The 1992 Constitution of the Republic of Ghana,
- ii. The Standing Orders of Parliament,
- iii. Presentations by the Ghana Maritime Authority on the Cape Town Agreement, 2012 of the IMO.

**3.0 BACKGROUND INFORMATION**

The fishing industry in Ghana is considered an important sector of the economy, given its contribution of about 11% of

Agricultural Gross Domestic Products (AGDP). It also accounts for over 60% of the nation's annual protein requirement.

Fishing has, however, been consistently ranked one of the deadliest occupations in the country. Workers in the occupation face unique life-threatening hazards including vessel casualties, falling overboard and diving incidents. In the year 1999, the International Labour Organisation (ILO) estimated that there were twenty-four thousand (24,000) fatalities in the fishing industry per year, which was ten (10) times more than the number of fatalities on merchant ships.

Although a huge number of deaths are recorded in the fishing sector every year, fishing vessels and their crew are excluded from nearly all international maritime regulations. Their exclusion from safety certifications and working condition inspections results in undetected exploitative practices.

In order to curtail the recurring menace, save lives and ensure the safety of fishers and fishing vessels, the International Maritime Organisation (IMO) adopted the Cape Town Agreement, 2012 of the IMO. The Agreement specifies mandatory requirements on the design and construction of maritime equipment, includes guidelines to protect the safety of crew and observers, and provides a level playing field for the fishing industry.

The Agreement implements the Torremolinos Protocol of 1993, which relates to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977.

Forty-eight (48) States, including Ghana, signed a public declaration as part of measures to bring the Cape Town Agreement, 2012 into force. The Agreement is expected to come into force after ratification by at least twenty-two (22) States with a total of three thousand, six hundred (3,600) fishing vessels.

The Agreement is expected to harmonise inspections between Member States; unify efforts in combating Illegal, Unreported and



Unregulated (IUU) fishing activities; as well as generally improve the safety of fishers globally.

#### **4.0 JUSTIFICATION FOR THE RATIFICATION OF THE AGREEMENT**

Ghana, being a coastal country, has several fishers operating within its marine and inland waters. The nature of the profession, coupled with poor condition of vessels, put fishers at risk and lead to the loss of lives. The challenges faced by fishers in the performance of their duties are resultant from insufficient on-board safety gear, lack of proper maintenance of fishing equipment and poor conditions on fishing vessels. Currently, there is no comprehensive fishing-related law to aid restructuring of the fisheries sector, improve the welfare of fishers and provide guidelines on the design and construction of vessels and equipment.

The ratification and implementation of the Cape Town Agreement, 2012 of the IMO would provide safety standards for fishing vessels operating in the coastal waters of Ghana, and enhance the general welfare of the fishing crew. This would help minimise risk to Ghanaian nationals who work as crew and observers on board foreign-flagged vessels. Ghana would also be able to safeguard the productive fish stocks in her waters and impede illicit, unreported and unregulated fishing activities.

Further, by ratifying the Agreement, Ghana would be provided with another route for vessel inspections, improve the safety of vessels operating within its territorial waters and increase the likelihood of identifying illegal, unreported and unregulated fishing undertakings.

Ghana would also be able to inspect foreign-flagged vessels to increase transparency of fishing operations, and ensure better working conditions for fishing crew even if the vessel-owning State is not a party to the Agreement.

## **5.0 INTER-MINISTRY CONSULTATION**

The Committee was informed that extensive stakeholder consultations were conducted to seek inputs for the ratification of the Agreement. The Stakeholders consulted include the following;

- i. Ministry of Fisheries and Aquaculture Development;
- ii. Ministry of Foreign Affairs and Regional Integration;
- iii. Ghana Tuna Association;
- iv. Ghana Maritime Police;
- v. Regional Maritime University;
- vi. Ghana Ports and Harbours Authority;
- vii. National Fisheries Association of Ghana (NAFAG)
- viii. Office of the Attorney General and Ministry of Justice;
- ix. University of Cape Coast, Department of Fisheries and Aquatic Science;
- x. University of Ghana, Department of Maritime and Fisheries Sciences;
- xi. Ghana Inshore Trawlers Association (GITA);
- xii. Fisheries Commission;
- xiii. Ghana Navy;
- xiv. Labour Department;
- xv. Ministry of Employment and Labour Relations;
- xvi. National Union of Seamen, Ports and Allied Workers (NUSPAW);
- xvii. Shipowners and Agents Association of Ghana;  
and
- xviii. Seafarers Unions.

## **6.0 IMPACTS CONSIDERED**

### **6.1 Financial Impact**

The ratification of the Cape Town Agreement, 2012 of the IMO is not expected to have financial implications on the national

budget. The administrative costs associated with the ratification of the Agreement and subsequent incorporation into domestic legislation would be borne by the Ghana Maritime Authority.

## **6.2 Legislation/Regulation Impact**

The ratification of the Cape Town Agreement, 2012 of the IMO will not vary the existing regulatory framework in the fisheries sector. The State would, however, be required to incorporate the provisions of the Agreement into domestic laws through primary and secondary legislation.

The Agreement would ensure that fishing vessels within the jurisdiction of Ghana are subjected to appropriate inspections and monitoring. This would result in the introduction of standard complaint procedures, application of sanctions and penalties, as well as the institutionalisation of corrective measures in accordance with national laws and regulations.

## **7.0 IMPLEMENTATION PLAN**

The Ghana Maritime Authority, in collaboration with the Ministry of Transport, would deposit the ratified Agreement with the International Maritime Organisation to facilitate easy access to the Maritime Community. The Ministry is expected to liaise with the Office of the Attorney-General and the Ministry of Justice to incorporate the Agreement into the Ghanaian legal framework. The implementation plan, which is expected to be in phases, would be in accordance with other maritime instruments ratified and domesticated by Ghana.

## **8.0 COMMUNICATION PLAN**

The Communication Plan is aimed at creating awareness and facilitating acceptance of the provisions of the Agreement among stakeholders. It is envisaged that the following objectives would be achieved by the Plan:



- i. To create awareness about the beneficial impact of the Agreement on Ghana's fisheries sector;
- ii. To build consensus and public acceptance before, during and after the implementation of the Agreement;
- iii. To sensitise stakeholders in the fishing industry on the responsibilities and demands imposed by the Agreement; and
- iv. To facilitate the implementation of programs under the Agreement.

## **9.0 OBSERVATIONS AND RECOMMENDATIONS**

### **9.1 Reduction in Insurance Premiums of Vessels**

The Committee observed that the Agreement, when ratified, would guarantee a safe and secure maritime environment, and reduce the payment of huge insurance premiums on vessel trading activities. It would also reduce the high cost of imported goods and services.

### **9.2 Protection of Life at Sea**

The Committee noted that the implementation of the Agreement would cause owners of fishing vessels to ensure that vessels are adequately and safely manned. This would protect life and property at sea, as well as prevent environmental degradation due to pollution and overexploitation of marine resources.

### **9.3 Reduction in Pollution**

The Committee was informed that the implementation of the Agreement would have a positive impact on the marine environment and reduce pollution of our inland water bodies. The enforcement of remedial actions would mitigate the consequences of illegal activities in the maritime domain.

#### **9.4 Enhancing Fisherfolk Proficiency in English Language**

The Committee noted that fishing crews on the high seas comprise migrant workers who cannot communicate effectively with other operators. This communication gap puts them at risk of being exploited by the operators. The Committee commended the Ghana Maritime Authority for partnering with some training institutions to successfully train fisherfolks to attain some level of proficiency in the English Language. In the view of the Committee, the training would facilitate easy communication among fishing operators and the fisherfolk.

The Committee recommended that in order to make the training more beneficial and sustainable, the cost of training should be highly subsidised for the fisherfolk.

#### **9.5 Compliance with the Fees and Charges Act**

The Committee observed that the ratification of the Cape Town Agreement, 2012 of the IMO would lead to the introduction of new fees and charges to be paid by operators of fishing vessels to the Ghana Maritime Authority. The Committee, therefore, admonished the Authority to comply with charges set out in the Fees and Charges (Miscellaneous Provisions) Act, 2022.

#### **9.6 Initiation of Safety Standards**

The Committee was informed that Ghana would be positioned to establish minimum safety standards for a large section of fishing fleets, which will cause vessel operators to invest in the safety and wellbeing of their personnel in order to prevent exploitation.

Also, the ratification of the Agreement will make it mandatory for vessels to acquire and operate lifesaving equipment, and undergo inspection and safety certification procedures to improve the security of vessels.



### **9.7 Increased Vessel Safety in Ghana's Registry**

The Committee observed that ratification of the Agreement would facilitate an increment in vessels qualified for entry in Ghana's registry, thereby minimising the risk of accidents that have adverse economic implications.

Consequently, there would be general improvement in the country's maritime security environment.

### **9.8 Increased Transparency of Vessel Activities**

The Committee noted that the coming into force of the Agreement will improve transparency in the operations of firms that undertake fishing-related activities. Operators of vessels would be mandated to report tragic occurrences to the relevant authorities, thereby preventing the shrouding of shipboard operations in secrecy.

The Committee further noted that the Agreement, when ratified, would permit the inspection of foreign-flagged vessels, which would also increase transparency in fishing operations. Furthermore, the signing of the Cape Town Agreement, 2012 of the IMO would restrict illegal, unreported and unregulated fishing operators who target States perceived to have weak maritime governance structures, with the intention of exploiting their natural resources.

### **9.9 Protecting Welfare of Fisherfolk**

The Committee was informed that poor working conditions and poor safety standards contribute to increased pirate activities, which is a major phenomenon in the Gulf of Guinea.

The Committee was of the view that the ratification of the Cape Town Agreement, 2012 of the IMO would protect the welfare of fisher folks. The passage of the Agreement would increase ongoing efforts to fight piracy along the coast of the country.

### 9.10 Improvement in Technology to fight Piracy

It came to the attention of the Committee that the Ministry was in the process of securing upgraded technological equipment as part of efforts towards fighting piracy and detecting illegal activities on our seas.

### 10.0 CONCLUSION

The relevance of the fishing industry cannot be overemphasised, given its role in sustaining livelihoods and reducing poverty in numerous households across the country.

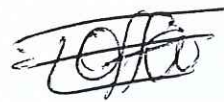
It is imperative, therefore, that the fishing industry in Ghana undergoes reforms to ensure that activities are streamlined and regulated. This requires the provision of the necessary legal framework to reform the fisheries sector.

The Committee, therefore, recommends that the House ratifies by resolution, the Cape Town Agreement, 2012 of the IMO in accordance with Article 75 2(b) of the 1992 Constitution of Ghana and Order 156 and 189 of the Standing Orders of Parliament.

Respectfully submitted.



.....  
Hon Kennedy Nyarko Osei  
Chairman  
Committee on Roads and Transport



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Eunice K Abeka  
Senior Assistant Clerk  
Committee on Roads  
and Transport

July, 2023

