



## POLICY BRIEF

### ON THE MECHANISM FOR EFFECTIVE IMPLEMENTATION AND RATIFICATION OF INTERNATIONAL INSTRUMENTS RELATED TO FISHERIES AND AQUACULTURE IN AFRICAN UNION MEMBER STATES (AU MS)

#### ACKNOWLEDGMENTS

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#### Executive Summary

The use of global instruments can help to promote sustainable fisheries and aquaculture-related activities as well as sustainable exploitation of environmental resources in a country. In this policy brief, we provide an overview of key challenges confronting domestication of global instruments, including fragmented or uncoordinated institutional arrangements for fisheries management, limited technical and financial capacity, and competing national priorities hindering the domestication process of global instruments by AU MS. Strategies for an effective domestication by AU MS of the priority instruments have been proposed, as well as mechanism for follow-up and reporting on the implementation documented for consideration.

#### 1. Introduction

An analysis of the implementation of the priority instruments within AU MS has showed that their domestication has not been effective. The need to evaluate the challenges that have hindered the processes involved in the domestication of the priority instruments for each AU MS cannot be overemphasized. In this brief, we have outlined strategies and a mechanism to improve upon the situation for a sustainable fisheries and aquaculture sector in Africa.

#### 2. Methodology

The methodology used include:

- Desktop and content analysis of challenges affecting the domestication by AU-MS of priority instruments selected by AU-IBAR
- Development of strategies that will facilitate the ratification and mechanism to assess the implementation of the ratified instruments.

#### 3. Outcomes

The outcomes are:

- 3.1 Institutional challenges: i) Fragmentation of the organizational structure for the management of fisheries: overlapping, gaps or even conflicting responsibilities and ii)

ineffective coordination among the institutions as well as bureaucratic processes in domestication and implementation of these international instruments.

3.2 Competing priorities: existence of competing national priorities such as poverty alleviation, security issues, conflicts management, health provision, etc., does not favour the consideration of fisheries legislative issues as priority for state attention and budget allocation.

3.3 Legal structure and political considerations: i) National fisheries legislative instruments and frameworks require an addendum or amendment or a complete revision to accommodate the provisions of the global instruments, ii) existence and misuse of two different approaches namely monist and dualist to domestication of treaties.

3.4 Limited technical capacity: i) Insufficiency of technical capacity ii) use of unqualified people at strategic positions where desired change can emerge from due to personal relationship.

Fisheries Bodies and vi) setting up participatory monitoring and auditing systems. The latter comprises the development of an open tracking and visualization software, promotion of national-level citizen platforms and biennial reporting to AU IBAR.

These proposed actions provide a framework for regional cooperation toward the domestication of the required instruments. Legal frameworks are needed to support the actions because of the diffused nature of the issues. It is important to delineate responsibilities for actions that are difficult to monitor. This intervention sets processes in place for continual improvement.

#### 4. Conclusion

Strategies and mechanism for national and regional cooperation towards domestication of priority global instruments are outlined. This provides an avenue for continual improvement.

#### 5. Policy Recommendations

5.1 Tackle country-specific challenges affecting the effective domestication of the priority instruments.

5.2 Delineate responsibilities for actions that are difficult to monitor.

5.3 The need for professionalization of the sector and the training of legal experts in fisheries is long overdue.

5.4 National level interagency coordination within each state is urgently needed i.e. between fisheries and environment agencies.

5.5 Develop avenues for experience sharing among MS to learn on domestication best practices.

5.6 The need to integrate Centres of Excellence into policy networks is key to strengthen evidence-base for decision making.



Figure 1: Proposed organogram for institutional involvement in the implementation and monitoring of the domestication process (Source: ACECoR, University of Cape Coast, 2023).

The proposed strategies and mechanism (See Fig. 1) include i) stakeholder consultations, ii) capacity building and development, iii) setting up and/or strengthening multi-sectoral committees at the national level, iv) public awareness creation v) involvement of Regional

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