

GHANA'S NEW FISHERIES ACT AND NEW INSHORE EXCLUSION ZONE

Is there Ambiguity?

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Background

In May 2025, Parliament passed the *Fisheries and Aquaculture Bill, 2025*, which was later signed into law as the *Fisheries and Aquaculture Act, 2025 (Act 1146)* in August 2025. Before the Act received presidential assent, both small-scale fishers and industrial fishers expressed their perspectives on extending the Inshore Exclusive Zone (IEZ) from six to twelve nautical miles.

Industrial fishing operators cautioned the President against approving the Bill with the expanded IEZ, fearing negative impacts on their operations. In contrast, small-scale fishers, with support from Civil Society Organisations, advocated for the extension to protect the livelihoods of thousands of Ghanaians. Throughout the legislative process, both sectors assumed the IEZ would be extended, and official communications from the fisheries authority suggested an extension following the passage of *Act 1156*.

This *Point of View* examines the specific provisions of *Act 1146* regarding the establishment of an inshore exclusion zone, highlighting significant departures from the repealed *Fisheries Act, 2002 (Act 625)*.

Inshore Exclusion Zone as a Conservation Measure

Act 1146 specifies a number of measures to be adopted for the management and conservation of the country's marine fisheries resources. From mandating the preparation of a marine fisheries management plan in section 38 to the declaration of a marine fisheries reserve in section 39, *Act 1146* provides for the designation of an area of the inshore exclusion zone.

Section 40(1) mandates the Minister to designate an area of the fishery water resources of the country as an inshore exclusion zone by publication in the Gazette. The designation of an area for the purpose of an inshore exclusion zone must be made on the advice of the Fisheries Commission and after consultation with the Ghana Maritime Authority (GMA) and relevant stakeholders. Section 40(2) and (3) prohibit the use of: an industrial and a large semi-industrial vessel for fishing or fishing related activities, a canoe support vessel to fish or a towing gear in an area designated as an inshore exclusion zone.

Section 40(4) specifies that while industrial and large semi-industrial vessels are excluded from an inshore exclusion zone, smaller semi-industrial vessels, canoes, and recreational fishing boats may operate for fishing, related activities, or research using approved gear.

Section 40(5) allows the Fisheries Commission to permit large semi-industrial vessels or tuna bait boats to enter this zone to fish targeted species. Section 170 of *Act 1146* defines “inshore exclusion zone” as “*the coastal waters between the coastline and the twelve nautical miles offshore limit.*”

From an Inshore *Exclusive* Zone to an Inshore *Exclusion* Zone

Unlike the repealed *Act 625*, which unequivocally declared a six-nautical-mile or 30-metre deep zone as the “inshore exclusive zone,” *Act 1146* requires a formal designation and *Gazette* publication for an inshore exclusion zone. The Minister must act on the Fisheries Commission's recommendation and consult with stakeholders, ensuring that an inshore exclusion zone measuring twelve nautical miles is designated in accordance with the definition in section 170. Thus, establishing an inshore exclusion zone requires the designation of a water area and then a publication in the *Gazette*.

Owing to the definition of “inshore exclusion zone” in section 170, an area of the fishery water resources that is to be designated as an inshore exclusion zone must measure twelve nautical miles. There is no discretion to designate an inshore exclusion zone that measures less than the stated twelve nautical miles.

The definition in section 170 is not the designation or declaration of an inshore exclusion zone in a fishery water area but merely defines the parameters of such an exclusionary area if designated.

This approach of defining the limits of the inshore exclusion zone avoids the practical problem of delineation present in *Act 625*, where overlapping criteria (six nautical miles or 30 metre depth/ isobaths, whichever is farther) lead to uncertainty about boundaries for fishers. The two methods were not mutually exclusive and there was the possibility of a person fishing in a 30-metre depth zone but beyond the six nautical miles offshore limit.

To contend that *Act 1146* has already established a twelve nautical mile inshore exclusion zone is to render redundant or surplus the obligation of the Fisheries Commission to **advise** the Minister to **designate** such fishery water areas. *Act 1146* explicitly defines the designation requirements of an inshore exclusion zone. This assertion that an inshore exclusion zone has to be designated conforms with the explanation of the Memorandum to the *Fisheries and Aquaculture Bill, 2025*.

The minister's duty to consult the GMA and relevant stakeholders emphasizes the importance of considering various governance perspectives and stakeholder interests in the process. It also highlights GMA's role as the technical agency responsible for delineating the maritime domain and registering industrial fishing vessels.

Additionally, throughout section 40, the use of indefinite rather than definite articles in the wording suggests that several inshore exclusion zones may be designated. The water area to be designated is described as “**an** inshore exclusion zone” rather than “**the** inshore exclusion zone”. Unlike *Act 1146*, section 81 of the repealed *Act 625* rather used definite articles “**the**” to specify its declaration of the six nautical mile inshore exclusive zone; “**The** water area specified in the Schedule is hereby declared as ‘**the**’ inshore exclusive zone”. Thus, several inshore exclusion zones can be designated or declared, as opposed to a mammoth designation of all of Ghana's marine fisheries waters as an inshore exclusion zone. Indeed, section 40 of *Act 1146* does not state that twelve nautical miles of all of Ghana's coastal waters is the inshore exclusion zone.

The change of terminology from “inshore exclusive zone” to “inshore exclusion zone” signals more than a stylistic shift; it reflects a broader regulatory intent. The aim is not only to restrict certain fishing sectors, but also to exclude harmful practices, such as the use of towing gear, regardless of vessel type or water depth.

The Act empowers regulators to enforce gear restrictions for all vessels, including artisanal vessels.

Punishment for contravening the Inshore Exclusion Zone rules

Although *Act 1146* excludes industrial, large semi-industrial, and canoe support vessels from an inshore exclusion zone and prohibits unapproved gear, it does not specify a direct penalty for violations of Section 40. In contrast, the repealed *Act 625* clearly outlined penalties for infractions.

In the absence of a specific penalty, the general penalty provision in section 161 of *Act 1146* applies. It provides that a contravention of any provision of the Act for which a penalty is not provided shall amount to an offence. The penalty is a fine of \$200,000 to \$500,000 in the case of a foreign fishing vessel, \$25,000 to \$100,000 in the case of a Ghanaian-flagged fishing vessel and 250-500 penalty units in the case of a marine artisanal vessel. In addition to the fine, the catch, fishing gear or other apparatus may be forfeited and the fishing licence cancelled or suspended for a specified period.

Recommendations for the Next Steps

Neither section 81 of the repealed *Act 625* nor its declared inshore exclusive zone was preserved in the savings provisions (section 171 of *Act 1146*) and no twelve-nautical-mile inshore exclusion zone exists until the new designation and *Gazette* publication have been done.

Section 171(2) only saves the regulations and directives, orders, directions, appointments and other acts made under the repealed *Act 625* or *Act 880* — excluding the inshore exclusive zone, which was established by statute, not the *Regulations*.

As published in the *Gazette* notification on 14 August 2025, the previous six nautical mile zone ceased to exist. A new inshore exclusion zone, once designated and published, will provide a clearly defined area reserved for small-scale fisheries.

Defining the inshore exclusion zone solely by distance simplifies mapping and avoids the prior confusion of overlapping criteria. Collaboration between the Fisheries Commission, Ghana Maritime Authority, and other stakeholders is essential for clear boundary delineation, which in turn supports compliance and enforcement. The requirement that the Fisheries Commission shall consult GMA and other stakeholders in designating an inshore exclusion zone measuring twelve nautical miles offshore is neither fortuitous nor *fait accompli*.

Lastly, a *Gazette* publication is not optional but required for establishing an inshore exclusion zone. Past failures to publish required notices underscore the importance of strictly following the prescribed process, as alternative communication methods do not suffice under the law.

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