



Ministry of Fisheries and Marine Resources; Management and Functional Review - Update



Prepared for the Minister of Fisheries & Marine Resources

Sierra Leone

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Acknowledgements

This Management and Functional Review (MFR) of the Ministry of Fisheries and Marine Resources was conducted for, and at the request of, the Minister of Fisheries and Marine Resources the Hon Dr Soccoh Alex Kabia. The MFR was prepared by Michael Arbuckle, (Senior Fisheries Specialist, World Bank) Joel Cutting, Institutional Reform Advisor, Chris Gabelle (Senior Governance Specialist, World Bank) and Ola Williams (Senior Management Analyst, Public Sector Reform Unit, Office of the President) in full consultation with senior staff of the Ministry of Fisheries and Marine Resources. The MFR process was supported with helpful input from Vivek Srivastava and other members of the World Bank Pay and Performance Project team.

A draft of this MFR Update was presented to the Minister and senior staff of the Ministry and discussed in detail during a mission in early February 2012. This MFR Update report, including recommendations provided, represents an agreed output from these discussions. The preparation team would like to thank the Minister and Ministry staff for the extensive input and valuable advice provided. There were also many others who gave valuable time to support this process notably Dr Julius Sandy (PSRU), Dr Ernest T. Ndomahina (IMBO), and members of the Joint Maritime Committee and the Joint Maritime Command. The Team would also like to thank Dr Demba Kane (Regional Coordinator for the West Africa Regional Fisheries Program) of the Sub-Regional Fisheries Commission. The quality of the report has gained much from discussions advice provided.

Executive Summary

- The Government's Agenda for Change (2008 – 2012) records that fisheries contribute 8 % of Sierra Leone's annual GDP output and are vital to food security by contributing an estimated 80 per cent of the total animal protein consumed by Sierra Leone's people.
- A 2007 study carried out jointly by the United Kingdom Department for International Development, the World Bank and the United Nations Food and Agriculture Organisation warned that these benefits are under immediate threat, principally from overfishing. The study however concluded that the benefits available in these priority sectors could not only be secured but considerably enhanced by adopting international best practices in fisheries and aquaculture management.
- Rising to this challenge, this Management and Functional Review (MFR) of the Ministry of Fisheries and Marine Resources (the Ministry) proposes a transformational change in the way fisheries will be managed into the future. It does this by setting a foundation for private sector investment and growth not only in the production of fish but also in the responsible and efficient management of the resources themselves.
- This MFR (the MFR Update) is structured as an addendum to the MFR approved by Cabinet in 2006. This MFR Update embraces leading edge international practices in management of fisheries and aquaculture and aligns the new functional framework to changes in the policy environment in Sierra Leone that have occurred since 2006.
- The functional framework is aligned with the goals and principles embodied in the Agenda for Change (2008-2012) and the Ministry's 2010 Policy and Framework for Fisheries. In doing so the MFR Update emphasizes three key elements in the reform of the Ministry and its engagement with the wider fisheries and aquaculture sectors:
 - Realizing the full economic benefit of fisheries and aquaculture at all levels of the economy;
 - Engaging stakeholders in the business and activity of fisheries and aquaculture development **and management**;
 - Ensuring efficient and effective delivery of supporting services through adoption of whole of government initiatives and delivery of non-core functions of the Ministry by the private sector.
- The MFR Update recommends the urgent development of a five year strategy, and a review of elements of the Fisheries and Aquaculture Bill, to properly define the transitional pathway and legal foundations needed to enable effective management of fisheries and aquaculture (including the implementation of this MFR).
- The capacity and capability of the Ministry in 2012 has barely changed from its 2006 levels. It remains woefully under-capacity in terms of mid-level (Grade 7 to 11) and senior (Grade 12 above)

professionals. The Ministry should be credited for effective coordination of the Joint Maritime Committee, and for transcending the civil service cultural inertia to cross-agency communication and collaboration. Overall however, it has to be said that in its current state the Ministry does not have the capability and capacity to lead the fisheries and aquaculture sector effectively into the future. Building such a capability will take some time and require transitional support.

- The MFR Update details the functions that need to be carried out to meet the Governments stated goals in fisheries and aquaculture. These functions are defined within an explicit, best practice, public sector performance management framework. This framework links inputs (such as staff and technology) through activities and processes (such as licensing and planning) to produce measurable outputs (such as research carried out, plans developed, and compliance ensured). This enables performance of the Ministry to be measured in terms of delivery of defined and measurable outputs which in turn are designed to contribute to the realization of wider Government goals.
- Services that can support the Ministry in carrying out its functions through whole of government initiatives, as well as public private sector partnerships, are also explicitly identified. These include building on the activities of the Joint Maritime Committee and collaborating with other agencies and the private sector where additional expertise and capacity can be leveraged.
- It is recommended that a stand-alone Ministry is retained and renamed the Ministry of Fisheries, Marine Resources and Aquaculture. A new Directorate structure is to be established with the following core elements:
 - Four Directorates of i) **Policy and Strategy**; ii) **Fisheries, Marine Resource and Aquaculture Management**; iii) **Services and Research**, iv) **Fish Quality** are to be established to report to a new position of **Director General, Fisheries and Aquaculture**;
 - A fifth stand-alone Directorate for **Compliance** is to be established with reporting responsibility direct to a re-titled **Minister of Fisheries, Marine Resources and Aquaculture** and supported by the **Joint Maritime Committee**.
- The new structure is designed to ensure a high level of transparency and accountability that will separate conflicts of interest in the delivery of the various functions. Importantly, it separates the process of policy development and management from its implementation - effecting a policy-delivery split. It also separates the critical regulatory function of licensing from the process of enforcing the regulatory framework.
- Comprehensive recommendations for implementing the MFR Update are provided (s70-82). It is recommended that the Ministry elicit the immediate support from the Public Sector Reform Unit to assist in the development of a change management program to implement the MFR including securing Cabinet approval. Detailed proposals that will enable an immediate capacity build within the new Ministry are provided including a programme of support funded under the World Bank West Africa Regional Fisheries Project.

Glossary

DFID	- Department for International Development
FAO	- Food and Agricultural Organisation of the United Nations
FO	- Fisheries Officer
GOSL	- Government of Sierra Leone
HR	- Human Resources
IT	- Information Technology
JMC	- Joint Maritime Committee
MDAs	- Ministries, Departments, Agencies
MOFED	- Ministry of Finance and Economic Development
MFMR	- Ministry of Fisheries and Marine Resources
MMR	- Ministry of Mineral Resources
MFR	- Management and Functional Reviews
NaCEF	- National Commission for Environment and Forestry
NEPAD	- New Partnership for Africa's Development
NRA	- National Revenues Authority
NGO	- Non-governmental Organisation
PRSP	- Poverty Reduction Strategy Paper
PSR	- Public Sector Reform
PSRU	- Public Sector Reform Unit
RM	- Records Management
TA	- Technical Assistance
TOR	- Terms of Reference
WARFP	- West Africa Regional Fisheries Project
WB	- World Bank

Contents

Executive Summary	3
Glossary	5
Introduction.....	7
Process followed.....	8
Drivers and requirements of reform	10
The Agenda for Change 2008-2012	10
The MFMR 2010 Policy and Operational Framework for the Fisheries of Sierra Leone	12
Overall considerations to inform future functional arrangements.....	13
Overview of current capacity and capability.....	14
Functional analysis	16
Opportunities for service provision.....	18
Options for reorganization of MFMR	22
MFMR Organisational Structure	24
Transitional Issues	27
Immediate priorities.....	27
Transitional capacity support for 3 to 5 years.....	28
Scope of Recommendations in the MFR Update	29
Fish quality recommendation.....	30
New recommendations resulting from the Updated MFR 2012.....	30
Section 1: Policy and Law Recommendations	30
Section 2: Functions and Structure Recommendations	31
Section 3: Staffing and Transitional Recommendations	32
Annex I: Terms of Reference for MFR Update.....	34
Annex II Fisheries Best Practice and Implications for Sierra Leone.....	35
Annex III: Fisheries Policy and Law Alignment Issues.....	43
Annex IV: Current MFMR Staff Profile	46
Annex V: Key Processes in Fisheries and Aquaculture.....	48
Annex VI: Proposed MFMR Structure.....	50
Annex VII: Comparison of Management and Functional Reviews.....	52
Annex VIII: Reconciliation of 2006 MFR Recommendations.....	57
Annex IX: List of People Consulted over the MFR Update	59

Introduction

1. Sierra Leone is blessed with abundant marine and inland fisheries that already contribute significantly to the Sierra Leone economy and national food security. The Ministry of Fisheries and Marine Resources (MFMR) estimates that around 135,000 tonnes of fish are caught annually in Sierra Leone. The majority of this fish is taken by a small scale fleet of about 30,000 fisheries supporting the direct employment of around 100,000 people and indirect employment of as much as 10% of the population of Sierra Leone. The Government's Agenda for Change (2008 – 2012) records that fisheries contribute 8 % of Sierra Leone's annual GDP output and are vital to food security in contributing to an estimated 80 per cent of the total animal protein consumed by Sierra Leone's people.
2. The future of Sierra Leone's fisheries is however under immediate threat. A 2007 joint study carried out by the UK Department for International Development (DFID), the World Bank (WB) and United Nations Food and Agriculture Organisation (FAO) identifies overexploitation from uncontrolled harvesting as the number one threat to the future of Sierra Leone's fisheries and the economic benefits they support. The report presents a number of scenarios for future development to demonstrate the potential benefits of different management approaches that could be implemented in Sierra Leone. These are based on best practices learnt from experiences elsewhere in the World. The report concludes that benefits from fisheries in Sierra Leone could not only be secured but considerably enhanced by adopting these practices.
3. This Management and Functional Review (MFR) of the MFMR establishes a foundation for a transformational change in the way fisheries will be managed into the future in Sierra Leone. Consistent with the Agenda for Change, and the MFMR 2010 Policy and Operational Framework for the Fisheries in Sierra Leone, it provides a blueprint for future development and administration of fisheries and aquaculture that looks past a conventional role for government in the management of these important sectors. Instead of building a centrally run regime it responds to the challenges laid out in the 2007 joint agency review by embracing leading edge international practices in management of fisheries and aquaculture. This will be achieved by setting a foundation for private sector investment and growth not only in the production of fish but also in the responsible and efficient management of the resources themselves.
4. This MFR (hereafter called the "MFR Update") builds on a range of previous studies. In particular, it updates a comprehensive MFR conducted for the MFMR that was formally approved for implementation by Cabinet in 2006. It also explicitly recognizes and that further work is now planned to provide a clear road-map for the development of the fisheries and aquaculture sector in Sierra Leone over the next five years (and beyond). This work will be support by the New Partnership for African Fisheries (Partnership for African Fisheries Program) and the West Africa Regional Fisheries Project and designed to build on the recommendations of the 2007 joint agency review. It is recognized that this

road-map will have a direct bearing on how capacity and capability of the fisheries and aquaculture sector in Sierra Leone is implemented over the next five years. For this reason the review adopts a functional framework and transitional change program that is sufficiently flexible to accommodate the outcomes of the five year plan.

5. To provide for this change, the MFR Update recommends that a new functional structure for the Ministry is adopted that is future looking aimed at building a core capacity for the Ministry in essential government functions while also providing the transitional support needed to enable stakeholder engagement in management and development. It is nonetheless recognized that this change will not happen overnight and nor can such a change be achieved by the MFMR alone. There will need to be a phased approach in implementing these new arrangements given fiscal constraints being faced by Sierra Leone as a whole, the current poor economic state of the sectors themselves and the depleted capacity and capability of the MFMR (the agency responsible for leading this change).
6. Unfortunately there is no explicit Government policy in place that directs how the benefits and costs of fisheries and aquaculture management in Sierra Leone are to be funded and shared. What is clear however is that the Government of Sierra Leone expects the fisheries and aquaculture sector to make a positive and sustainable contribution to the economy rather than being a drain on central taxation resources. International best practice in the fiscal management of fisheries also supports such an approach in recognition that cost-accountability provides good incentives for both efficient and sustainable management of the resources themselves. The costs of funding management aimed at improving economic performance should rightly therefore come from the sector itself rather than general taxation.
7. The MFR Update provides structural recommendations that separate functions (and activities) that directly benefit the sectors (such as extension services, license registries, information and research) from core public good functions of government (such as policy development, administration of the regulatory framework and enforcement). This will enable a high level of transparency and cost-accountability to enable the Government of Sierra Leone to more effectively allocate costs and responsibilities between the Ministry and stakeholders under sharing agreements that are envisaged within the new fisheries legal framework. It also enables long term investments in Government capacity to be separated from transitional costs needed to drive organizational change and stakeholder development in the short term and opens the door for multilateral lending agencies and donors to help fund this transition.

Process followed

8. The MFR Update was requested by the Minister of Fisheries to parallel and compliment the World Bank support to Sierra Leone's Fisheries Sector through the West Africa Regional Fisheries Program (WARFP). It was necessitated by changes in Government's broad reform agenda and new sector specific reform requirements. Since the 2006 MFR, the Government of Sierra Leone (GOSL) has developed Phase II of its

Poverty Reduction Strategy, the Agenda for Change, refocused its broad Public Sector Reform agenda accordingly, and made fisheries the second of four key priorities for the country's development. The Ministry itself has produced a Policy and Operational Framework for the Fisheries of Sierra Leone ('the Policy') in March 2010, and drafted a Fisheries and Aquaculture Bill currently awaiting enactment. These and other drivers of this MFR Update, and implications for function arrangements for fisheries and aquaculture, are considered further in the following sections of this report.

9. The Terms of Reference (TORs) for the review are given in Annex I. The MFR Update was undertaken by the PSRU in partnership with the World Bank. The team was lead by a World Bank Senior Fisheries Specialist, with technical expertise in Fisheries Policy and Management in Sierra Leone and Executive level experience in fisheries and aquaculture management, and the PSRU Senior Management Analyst. An institutional reform advisor, with extensive Sierra Leone experience, was tasked to provide desk-based support and review. Both the PSRU expert and the international institutional reform advisor had been involved in the 2006 MFR and the Senior Fisheries Specialist had contributed to the 2007 joint agency review.
10. Over a 10-day in-country program, the team, supported by the World Bank Country Office, met with the Minister of Fisheries, Permanent Secretary, senior and mid-level professional staff of the Ministry from technical and administrative wings, and members of the Joint Maritime Authority. A series of presentations were made to the Minister and to the staff of the Ministry to gain their comments on, input to, and validation of the review and the proposed functional arrangements and change management options.
11. Due to the short time scheduled for the MFR Update, the team was not able to meet civil society or private sector stakeholders. In addition, the timeframe meant that the review focused on defining mandate, functions and structure but not defining detailed job descriptions for new proposed roles or defining in detail management and administrative procedures. These tasks will be the subject of follow-on work linked to the wider development of the Sierra Leone fisheries and aquaculture five year strategy and transitional support proposed in the section below on "Transitional Issues".
12. In updating the Ministry's mandate, functions, and structure in the context of forthcoming sector support from the WB, the team considered foundational issues of approach to fisheries and aquaculture management in post-conflict, developing countries in the light of the Ministry's 2010 Policy and Operational Framework for the Fisheries of Sierra Leone. These issues are dealt with in more detail in subsequent sections. However, their consideration entailed a shift in approach from the earlier MFR, which originated from a generic public sector reform perspective focused on administrative efficiency and appropriate definition of mandate and role, to a process based approach looking at unblocking the obstacles to achieving the Policy's goal of an "ecologically sustainable and economically efficient fisheries in Sierra Leone".
13. This different starting point from the earlier MFR has resulted in a different focus and structure to this updated review from the more usual PSRU MFR reporting format that was followed in the 2006 MFR.

The MFR update therefore comprises what is essentially a fresh examination of the Ministry's functions in the light of analyses of policy context and international best practice in fisheries and aquaculture management. It identifies key processes for the Ministry to carry out its work, and makes functional and structural recommendations accordingly. In doing so, the report is however careful to only update those recommendations from the earlier MFR that are needed so that Cabinet can simply consider this review as an addendum to the earlier decision and directions given to the MFMR.

14. The MFR Update is also cognisant of the fact that there have been a number of other restructuring proposals linked to sector support programmes. These include a 2011 New Partnership for African Development (NEPAD)/ DFID workshop and a 2009 proposal by the Ministry with the support of the European Union's (EU) Institutional Support for Fisheries Management project. While lessons have been drawn from these other reviews it is noted that structural proposals made in these other reviews differ from the recommendations of the 2006 MFR, and none have Cabinet approval. A comparative analysis of these structures with those proposed in the MFR Update is therefore provided in Annex VII.
15. A draft of this MFR Update was presented to the Minister and senior staff of the Ministry and discussed in detail during a follow up mission in early February 2012. This MFR Update and recommendations provided were modified based on discussions. Changes to recommendations agreed with the Minister were incorporated in the text of this MFR Update and differing views noted.

Drivers and requirements of reform

16. This MFR update of the MFMR takes place in the context of the Government of Sierra Leone's (GOSL) second phase Poverty Reduction Strategy, the Agenda for Change 2008-2012 ('the Agenda'), ongoing Public Sector Reforms (PSR), and existing and proposed Fisheries Sector reforms. These either post date the original MFR, or – in the case of the PSR – have evolved significantly since 2006. Each affects the design and implementation of the proposed Ministry reform. As in the 2006 review, the Local Government Act 2004 and the decentralisation process also has an impact. This section therefore considers in detail the reform drivers that arise from the Government's Agenda for Change, that underpins the general public sector reform process, and the specific policy relevant to the sector as documented in the MFMR 2010 Policy and Framework for Fisheries in Sierra Leone.

The Agenda for Change 2008-2012

17. The Agenda for Change aims to transform the economy as the primary route out of poverty, and commits the government to public participation and consultation in policy and implementation. It makes fisheries (with agriculture) the second of four key Government priorities with commitments to providing adequate surveillance capabilities, achieving European Union (EU) export certification, improving infrastructure, providing adequate extension support for artisanal fisheries, and strengthening the capacity of the Ministry.

18. Underlying the four strategic priorities are stated principles that affect the MFMR's reform. These are described with their implications for the Ministry in the table below:

Agenda for Change Stated Principle	Implications for Fisheries/Ministry reform
Macro-economic stability, with a commitment to domestic revenue collection, broadening the tax base, and improving efficiency and compliance	Well-managed fisheries a significant balance to mineral sector, assisting to economic stability – needs effective licensing and registry Need to adopt management practices that contribute to national economic objectives
Maximising Public Private Partnerships to finance development	Impetus for outsourcing appropriate functions where Ministry has limited capacity or where functions can be best performed by the private sector
Strengthening inter-agency coordination in security	Need to embrace whole of government opportunities and collaboration
Strengthening deterrence and prevention in Anti-Corruption	Need for transparency and accountability in licensing and revenue collection
Sound management of natural resources (Although the Agenda refers only to mining, tourism, and land management, comments on harnessing resources for economic transformation and sharing the benefits of growth are applicable to the fisheries.)	Fisheries must be treated as a renewable resource rather than an extractive one, balancing ecological sustainability with economic benefit and food security, and ensuring stakeholder engagement in fisheries management

19. The Agenda provides overarching direction to fisheries and aquaculture reform, and a clear rationale for an economic approach to management, a focus on including stakeholders in management, and decentralised service delivery using wherever possible private sector and non-government providers for non-policy functions.

20. Public sector reform (PSR) takes place under the umbrella of the Poverty Reduction Strategy agenda, and has been ongoing since 2005. Initially efforts focussed on the Civil Service, led by the Public Sector Reform Unit within the Governance Reform Secretariat (Ministry of Parliamentary and Presidential Affairs) and aimed to reform Ministry structures and functions, transform the existing Establishment Office into a modernised Human Resource Management Office, and strengthen Records Management across the Civil Service.

21. During this period, the PSR Unit (PSRU) conducted an initial Management and Function Review (MFR) of the Ministry of Fisheries and Marine Resources (MFMR) in 2006, which was endorsed by Cabinet. As noted above, the 2006 report and its recommendations provide the basis for this MFR Update.

22. With the change of Government in 2007 and the launch of the Agenda for Change in 2008, the PSRU was moved directly into the Office of the President with a mandate to build on past efforts while better integrating, coordinating, and deepening the reform agenda. The Public Sector Reform Framework 2009-2012 developed by the PSRU sets out an overarching framework for managing reform in any environment, encompassing the civil service, wider public sector, local government, security and justice sectors, and the Parliamentary Service. The overall goal is to achieve a public service that works to benefit the poor in the state (Section 2.3 page 14) through the following actions:
- Aligning structures systems and processes with the Government’s development agenda (in this case the Agenda for Change);
 - Enhancing efficiency and effectiveness through the right sizing and capacity building of public institutions;
 - Enhancing transparency and accountability, with open and verifiable systems and processes and results-based evaluation in meeting objectives;
 - Working with the private sector in attaining the broad objectives of Government, and supporting public private partnerships (PPP).
23. The approach taken in this MFR update has a clear and direct link with the Agenda for Change. It incorporates the Government’s stated direction to improve transparency and accountability in institutions and processes, and increase private sector engagement in service delivery.
24. The functional framework below provides clear separation of services and accountabilities for MFMR (or indeed any public administration body). Enhancing efficiency and effectiveness means ensuring that Government activities should be limited to essential functions, or only those that are necessary. This entails separation of policy, regulatory, compliance, and service delivery functions across appropriate bodies. Government should not be performing activities that can more appropriately be off-loaded to and delivered by the private sector or by other non-state actors, and collectively the functions of government should be affordable based on available resources. These considerations inform the recommendations of this review.

The MFMR 2010 Policy and Operational Framework for the Fisheries of Sierra Leone

25. The direction provided in the 2010 MFMR Policy and Operational Framework for the Fisheries of Sierra Leone (‘the Policy’) 2010 is an important input into the MFR Update. The Policy has as its goal “ecologically sustainable and economically efficient fisheries in Sierra Leone”. Consistent with this goal, the Policy sets out a Vision and framework for the management and use of fisheries aimed at ensuring their biological sustainability, reducing poverty and generating wealth in manner that contributes to the economy of coastal and riverine communities. The Policy recognizes that this will only be achieved if stakeholders are given a stake in the management process. Five strategies are outlined to achieve this Vision as follows:

- Conservation and sustainable use through risk assessment and regulatory action;
- Increasing stakeholders' responsibilities for management and use;
- Development of an efficient and effective extension service to facilitate stakeholder engagement in management;
- Diversifying and increasing trade of fish products (building the business capacity of the fishing industry);
- Sustainable aquaculture development.

26. The stated strategies of the Policy have significant implications for updating the 2006 MFR recommendations and are used as drivers for developing the core processes of policy and its implementation that are the basis of identifying Ministry functional units and ensuring that Ministry activities deliver to Government specified outcomes.

Overall considerations to inform future functional arrangements

27. From the analysis in this Section it is apparent that the wider reform context requires the Ministry's MFR to embody the following elements:

- A focus on realising the economic benefit of the fisheries at macro, meso and micro levels while ensuring that the biological resource is protected and conserved (the Agenda, the Policy)
- Stakeholder management of the fisheries, and stakeholder participation in sector governance (the Agenda, the Policy, the Public Sector Reform)
- Efficiency and effectiveness, such that all necessary but only necessary functions are the remit of the Ministry, and where possible functions are decentralised to the private sector and/or other non-state bodies (the Agenda, the Public Sector Reform)

28. Of particular significance is the Government's emphasis on stakeholder fisheries management. In this case the Government of Sierra Leone and the Ministry are in the vanguard of international best practice (see World Bank Policy Briefs [Http://www.worldbank.org/fish](http://www.worldbank.org/fish)). A detailed overview of best practice in fisheries management and implications for Sierra Leone is provided in Annex II. The implication of these reform elements is that the Ministry needs to adopt a functional framework and management approach that empowers the sector to engage in management which involves allocating rights and interests to the sector to undertake such activities. This can generally be referred to as a stakeholder-based management approach.

29. The process followed in implementing a stakeholder-based approach is described in detail in Annex II and reflects international best practice in fisheries governance. In summary such an approach entails

Government adopting an advisory / informative role in management, allocating rights, and setting and enforcing overall standards while users are granted forms of exclusive rights to manage the fisheries. Users or external service providers (which can include NGOs or the private sector) provide supporting services. This contrasts with traditional 'Command and Control' approaches to management of fisheries and aquaculture where Government develops and implements management plans, and manages and delivers supporting services. The WARF Project and the draft law already envisage that a stakeholder-based approach will be adopted through the establishment of pilot areas for stakeholder-based management (a component of the WARFP) and through provisions in the draft law enabling management sharing agreements (although it is suggested that these draft legal provisions need further policy clarification before enactment – see Annex's II & III).

30. Stakeholder-based fisheries management requires hefty investments of time and effort in building the capacity of the stakeholder institutions. International experience nonetheless proves conclusively that these investments pay off, with examples of ecologically sustainable, economically profitable stakeholder managed fisheries in countries even where rule of law is weak, and public sector institutions are poorly capacitated (for example Mexico). Stakeholder-based management works both with industrial and artisanal fisheries, and provides a proven solution to the widespread biological decline and dismal economic performance of fisheries globally (see Annex II).
31. While the Policy provides a generally sound basis for establishing stakeholder-based management and realising the economic value of the fisheries, some aspects of the Fisheries and Aquaculture Bill 2011 currently awaiting enactment are poorly aligned to such an approach. Absent any change there is a risk that current provisions will eschew stakeholder-based management in favour of top-down 'Command and Control' style management. It is suggested that the current Draft Fisheries and Aquaculture Bill could be enhanced to better reflect the Government's own broad development and sector specific policies as well as international best practice. Annex's II and III provide a more detailed consideration of matters that might usefully be reviewed in the Bill.

Overview of current capacity and capability

32. The Ministry has suffered from lack of stability in its senior tier since the 2006 MFR was conducted, with two changes of Minister and three changes of Director of Fisheries. The Permanent Secretary has also changed in this period. This lack of stability has made it difficult for the Ministry to push reform implementation forward. Since the 2006 MFR, only 5 of the 78 recommendations have been fully or partially implemented. Two of these relate to preserving the Ministry's autonomy, and thus required no action (Recommendations 1 section 8.05 and 78 section 8.289), and two, relating to mobilising technical assistance, are only just under way. The only fully implemented action is the recommendation to move the Ministry to You Yi Buildings.
33. The capacity and capability of the Ministry in 2012 has barely changed from its 2006 levels. While the Ministry has down-sized its over-staffed lower (Grade 6 and below) levels, reducing staff numbers from

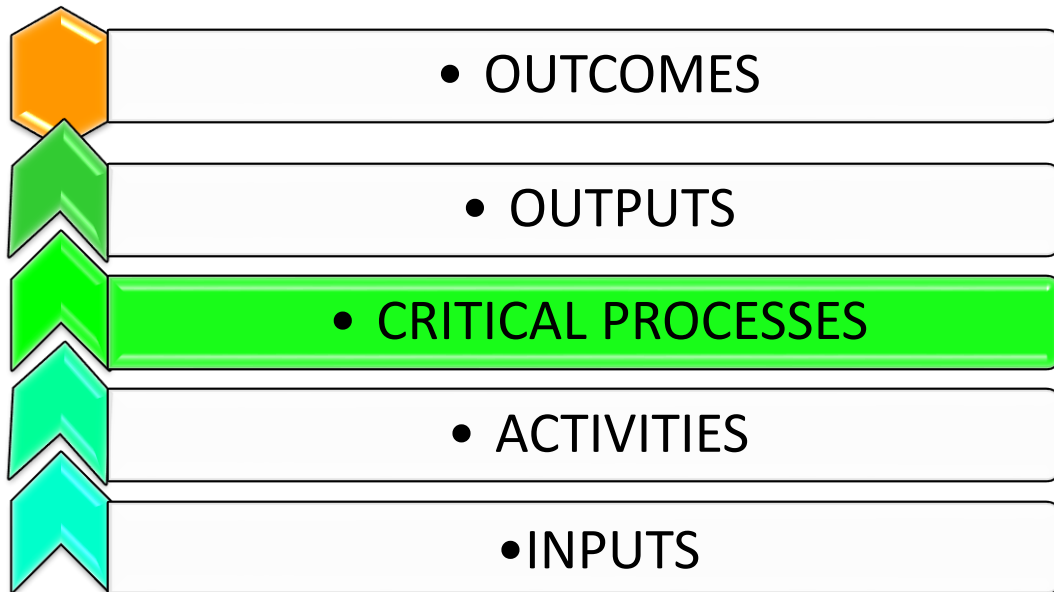
206 in 2006 to a current level of 165, **it remains under-capacity in terms of mid-level (Grade 7 to 11) and senior (Grade 12 above) professionals.** This missing middle is particularly concerning in the technical wing. Only 11 technical staff are at Grade 7 and above and over half the job titles in the Ministry relate to functions such as laboratory technician, boat builder, fisherman, marine mechanic and so on. These types of functions are an inheritance from prior Ministry activities focused on building increased sector capacity in harvesting. This prior focus of activities does not fit well within the new priorities outlined in the MFMR 2010 Policy to focus instead on good governance of the resources, sector leadership and stakeholder driven management. In terms of this intent, there is still no policy function or structure within the MFMR and little capacity and capability to support such a function. A detailed analysis of current positions is provided in Annex IV.

34. Records management also remains challenged. The 2011 FAO Organisation Review (which focused on human resources within the Ministry) found that filing systems were still absent, and confidentiality of personal information could be improved. Records management systems for licensing and catch are not publically available, are variously kept by multiple institutions (the Maritime Authority, the Joint Maritime Committee and the MFMR) and lack common standards and specifications.
35. Positive progress has been made in surveillance and enforcement. This is thanks to strong Minister / Ministry coordination of the Joint Maritime Committee, capacity building efforts within this body (supported by the WARFP and others), and efforts by the Republic of Sierra Leone Armed Forces Maritime Wing.
36. The MFMR should be credited for effective coordination of the JMC, and for transcending the civil service cultural inertia to cross-agency communication and collaboration. Overall however, it has to be said that in its current state the MFMR does not have the capability and capacity to lead the fisheries sector in the policy and broad reform context described above.
37. The MFMR remains poorly funded by Government, with only three per cent of the agriculture budget apportioned to the fisheries sub-sector in 2011 and what funding that is available is poorly targeted. Achieving the intents of the Agenda for Change and the Fisheries Policy will require the MFMR to realign scarce resources already available and for the GOSL to increase funding in core government services - namely policy, fisheries administration and compliance.
38. The WARFP is providing much needed transitional funding in the areas of governance and compliance. There is however a real risk that this investment will be wasted if the opportunity is not taken to align the use of these funds to provide transitional assistance to implement the specific recommendations of this MFR Update. It is therefore recommended that the GOSL evaluate the WARFP to better align investments to support capacity development in the MFMR and the wider sector particularly where the costs involved are clearly transitional in nature. This will enable the GoSL to focus its funding on realigning its scarce resources for fisheries and aquaculture on core services that will be maintained in the longer term.

Functional analysis

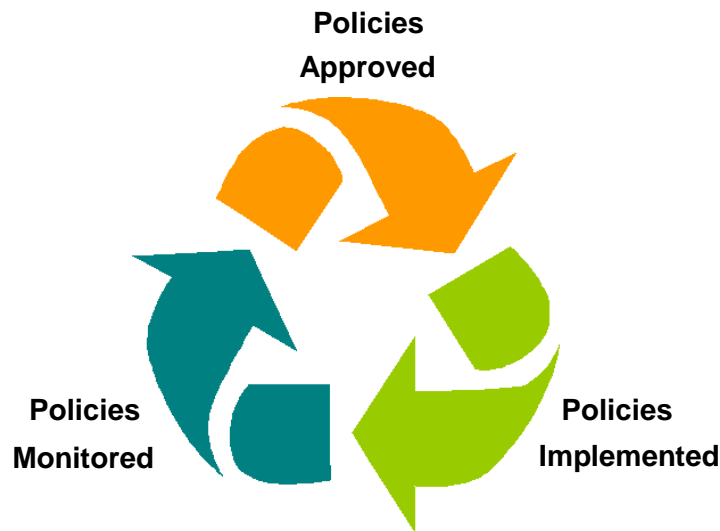
39. The functional analysis takes as its starting point the processes critical for implementing a management system in Sierra Leone that will produce outputs for government that will contribute to meeting the outcomes set in the Agenda for Change and the sector Policy. These critical processes are a key element of the five step performance management framework diagrammatically represented in Figure 1.

Figure 1: Five step performance framework



40. The performance management framework used here has as its apex the **outcomes** that are to be achieved. In the context of fisheries and aquaculture in Sierra Leone these aspirations are described in detail in the previous section of this report and include the goal (outcome) of “ecologically sustainable and economically efficient fisheries in Sierra Leone”. It would be expected that any operational planning would be designed to meet this outcome. In practice this might involve conducting a risk and opportunity assessment of fisheries and aquaculture use to identify highest priority investments.
41. The particular contributions provided by the MFMR and stakeholders towards achieving the Government’s outcomes are known as **outputs**. **Outputs are “SMART” objectives – they are Specific, Measurable, Achievable, Relevant and Timely.** At a high level it is recognized that the MFMR is required to deliver the outputs normally expected of a government agency, which are the production of policy, the implementation of policy and the monitoring of policy. The broad processes that under-pin the production of these outputs are known as critical processes and are diagrammatically shown in Figure 2 below.

Figure 2: Core processes of Government



42. This three arrow model is a common theoretical framework used for determining more detailed functional responsibilities across a range of government entities and jurisdictions. It is used in this MFR as a useful starting point for examining key processes that need to be implemented in the governance of fisheries and aquaculture.
43. This general three arrow model has specific application to fisheries and aquaculture that can be described in five categories as follows:
- i. The first critical process to fisheries and aquaculture is the provision of policy advice (specific outputs would include policies to support legal reform and the setting of Government outcomes and operational policy to direct implementation of the law where discretion and ambiguity exist);
 - ii. The second is the process of implementing this policy which includes all the procedures for allocating rights to harvest and manage fish or carry out aquaculture (outputs include licenses and authorizations issued and plans and sharing agreements implemented);
 - iii. A third process critical to fisheries and aquaculture is the planning, specification and prioritization of the activities and inputs needed to support management (the key output here is the development of a consolidated service delivery plan);
 - iv. A fourth critical process is the delivery of key supporting services (sub-outputs) to support management. Three key services critical to fisheries and aquaculture are the provision of information (e.g. stock assessments), the provision of monitoring, surveillance and enforcement services (the output here is compliance with the law) and the provision of extension services

(there are a range of outputs associated with this service including stakeholder organization and capacity development and technological uptake);

v. Finally a key critical process is monitoring performance against policy outcomes.

44. The critical processes needed to implement the Government’s outcomes in fisheries and aquaculture (and associated outputs) are described in further detail in Annex V. The functions that need to be carried out to meet the government’s outcomes fall directly from these critical processes and are listed in Table 1 below.

Table 1: Functions required to realise Government outcomes for Fisheries and Aquaculture

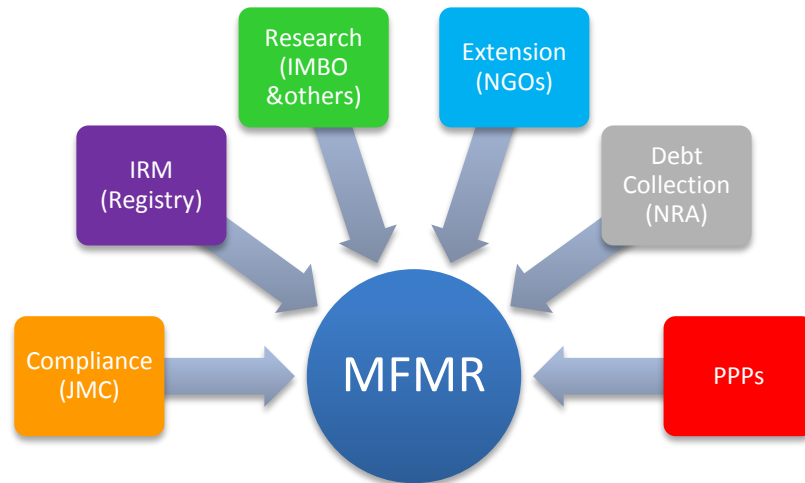
Policy & Planning	Fisheries & Aqua Administration	Fisheries Services
<p>Strategic Plan Policy (including law) International / PPP support Monitoring of policies and standards</p>	<p>Fisheries Plans / Sharing Agreements Regulatory services Fish Intervention Plan and specific. of Services</p> <ul style="list-style-type: none"> • Compliance & monitoring • Information (monitoring) • Research • Registration • Extension 	<p>Compliance services</p> <ul style="list-style-type: none"> • Enforcement • Prosecution support • Education <p>Observer services Research services</p> <ul style="list-style-type: none"> • Stock assessment analysis • Scientific advice <p>Monitoring Extension services</p>

Opportunities for service provision

45. The functional analysis above defines clear policy, guideline formulation, standard setting, and sector coordination roles for the Ministry and also identifies a number of service functions that need to be delivered but is silent on whether these services should be delivered by the Ministry itself or by agencies

outside the Ministry or indeed outside the public sector *per se*. Figure 3 shows a range of fisheries management functions that have potential to be split between the Ministry, which maintains strategic authority and prescribes procedures for them, and outside service providers, who are better capacitated to implement.

Figure 3: Service delivery options



46. Table 2 provides a detailed explanation of key services that have potential to be provided in collaboration with outside agencies, through service level agreements, and / or the private sector contract under standards and specifications established by the MFMR.

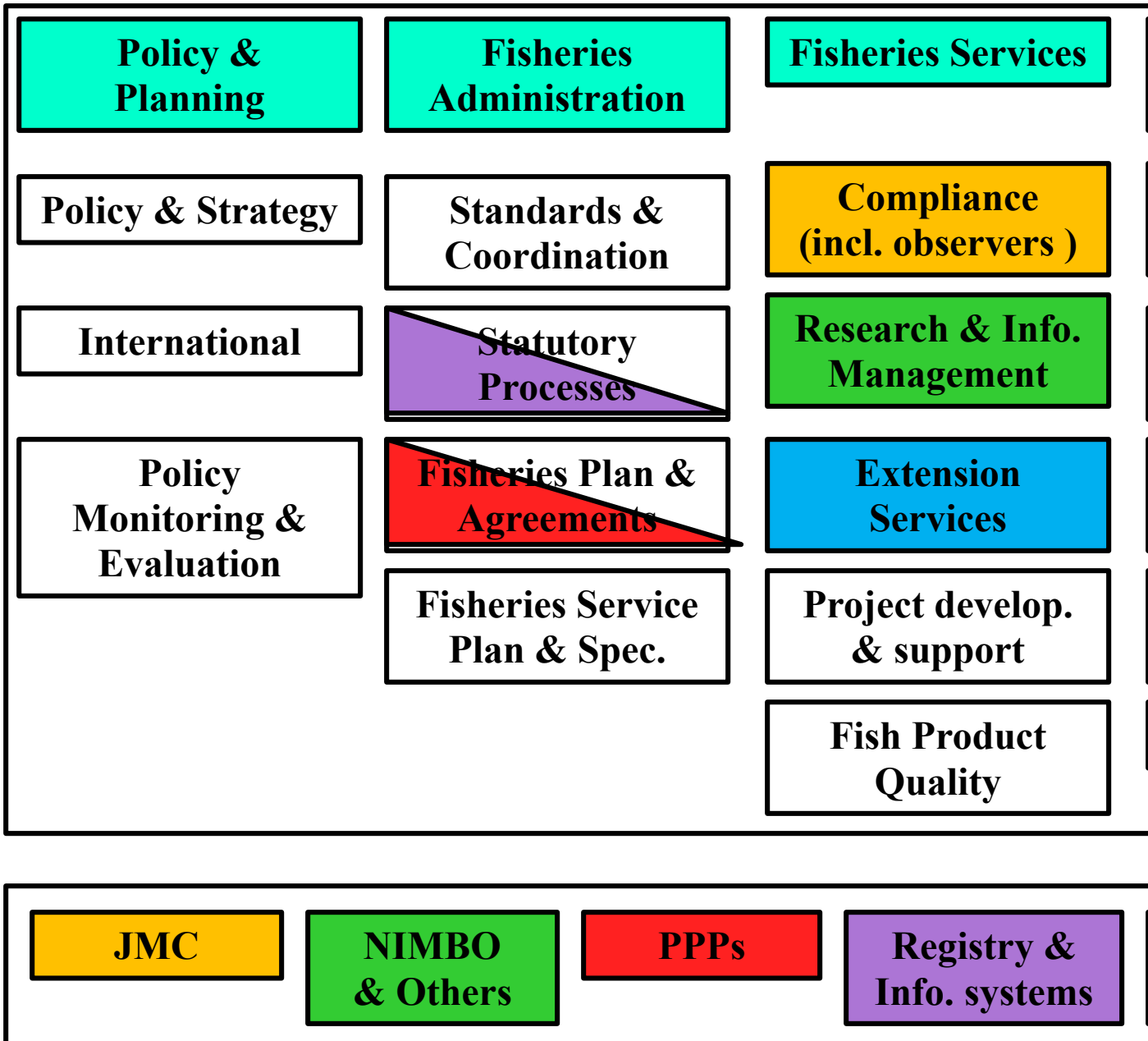
Table 2: Services with potential to be delivered in collaboration with other agencies /the private sector.

Service	Delivered by	Comment
Compliance and monitoring services	Joint Maritime Authority	The JMC is overseen by the Minister of Fisheries and includes the Navy, ONS, Port Authority, Customs. The JMC already has compliance and enforcement capacity which should be strengthened
Registry and records management services	A competent IT provider such as a bank	Maintaining a registry of catch and vessel licenses will be a function of the MFMR, who will determine which stakeholders will have access and set access levels. The option of out-sourcing supporting IT services is supported in this review but was not favoured by the MFMR
Research services	IMBO or other national and international research bodies	The Ministry will contract / specify research in line with its policy requirements. Research may include social and economic studies as well as scientific stock assessments
Extension services for stakeholder capacity / organizational development and technology transfer	NGOs / University of Sierra Leone & other training agencies	Establishing, developing and sustaining effective user management groups will require extensive capacity building and support. NGOs are high capacity bodies that can deliver extension effectively and over time. Where needed, current extension staff can be supplemented by additional institutional and technical capacity
Debt Collection	National Revenue Authority	The NRA is a public sector body that already collects fisheries license fees
Public Private Partnerships	Private sector	The MFMR is currently embarking on a PPP with a Dutch firm to gain export certification to the EU. There is potential for other PPPs to be established in the harvesting the resource itself or in providing supporting services such as monitoring and surveillance

47. In Sierra Leone's case, notwithstanding the imminent pay and grading and human resource reforms, it would be challenging to recruit and retain the additional staff necessary to undertake centralised functions needed to deliver all of these services. Making use of existing capacity in the private and non-state sector to undertake service delivery functions in line with Ministry policy and direction makes good sense for two reasons; i) it strengthens the efficiency and effectiveness of the Ministry to achieve its Policy goals and related outputs; and ii) it has the advantage of building capacity outside the Ministry to support future stakeholder level management activities. For some services , such as the provision of licensing and information services, outsourcing has an added advantage in that it helps increase the transparency of delivery of such services and their integrity in the eyes of the public.
48. Table 3 provides a diagrammatical representation of functions taking into consideration options for service provision as detailed above.

Table3: Functional structure including options for service provision

Proposed Functions (including supporting)



Options for reorganization of MFMR

49. A **key issue** for the Ministry in developing an organizational structure to deliver the functions detailed in the sections above is to ensure that conflicts of interest that arise in carrying out these functions are

managed. This is critically important in an environment where the Ministry is working to increase stakeholder engagement in management because it builds sector trust in the way the Ministry operates.

50. Two particularly important transparency issues arise. The first is in ensuring that the process of setting and advising on the creation and revision of the law is separated from the process of implementing the law. The second conflict that needs to be transparently addressed is to ensure that the roles associated with ensuring compliance with fisheries and aquaculture rules are separated (and seen to be separated) from the business of administering the rules through licensing. To achieve full accountability and transparency in the delivery of the functions of fisheries and aquaculture three structural options are considered below.

51. **Option 1: Establishment of a regulatory authority:** The Ministry becomes a core policy body and Fisheries Management and Service Delivery are outsourced to an Authority with a joint Board. This option would be a reform in line with other resource sectors in Sierra Leone such as mining, where regulation (licensing) and research (Geological Survey) are being taken out of the Ministry of Mineral Resources and housed in a National Minerals Agency, or water where separate bodies for previously non-existent functions of pricing and water resources management are planned.

52. This option is not recommended for the MFMR for the following reasons:

- The institutional 'map' of a stakeholder-based user-managed fisheries is different to that of mining, agriculture and water, in that user management groups have strong incentives for and a much larger role to play in self-regulation and facilitating enforcement activities;
- There is a cost implication for Government in setting up an Agency. Finding funds for establishment, staff, accommodation, and recurrent costs is unlikely to be feasible for the GOSL in the current economic environment;
- Related to the above, an Agency will face the same recruitment and retention challenges that the Ministry itself faces, even if better terms of service are provided predicated on revenue increase from effective licensing and taxed fishing effort. This – and the above set up costs – are often an issue with the Ministry of Finance where policy dictates that government revenues should all be channeled through the consolidated fund.

53. **Option 2: Separation of coercive functions to the Police:** The Ministry retains Policy and all administration functions except Surveillance and Enforcement. This is a conventional approach as it leverages specialized training and capacity from the Police for coercive functions such as search, seizure and arrest. These often require specialized training not normally a core capability of a technical Ministry. In this case, the surveillance and enforcement functions are specifically delegated to the Police within the law (or other security services with powers of arrest and seizure). The disadvantage of this approach is that fisheries surveillance and enforcement becomes subsumed into wider (often higher) priorities of the Police and the risk is that they are not well implemented. Fisheries enforcement also

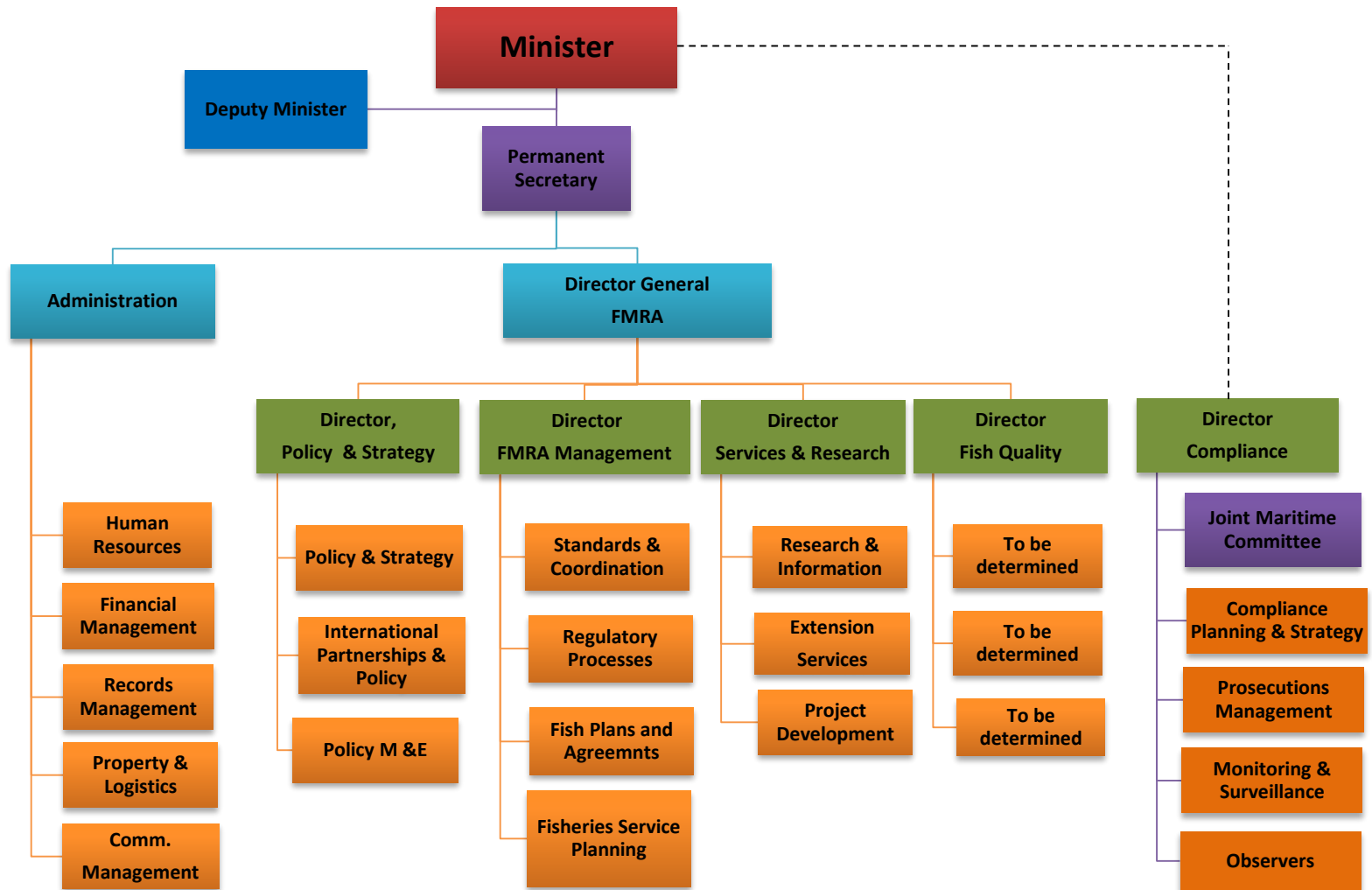
requires specialised technical skills to identify fish and methods and knowledge of regulatory frameworks not a normal part of Police training. Given these particular challenges this option is not recommended.

54. **Option 3: Whole of Government option:** Under this approach all functions are retained in the Ministry with a clear separation of roles between policy, its implementation and the delivery of services within separate Directorates reporting to a Director General. The provision of Compliance functions will be in a stand-alone Directorate reporting directly to the Minister and supported by the Joint Maritime Committee (a dedicated whole of government capacity drawing resources from maritime agencies and the Police around common compliance objectives including fisheries enforcement).
55. On consideration of Sierra Leone’s specific institutional context, this approach is preferred because it builds on existing capacity and progress of the Joint Maritime Committee. This ‘goes with the grain’ in supporting existing efforts, rather than taking a new approach. Separation of the Compliance function, embodied in a Director that reports directly to the Minister, has precedents in the Sierra Leonean civil service with Internal Audit (which does not report through the Permanent Secretary). **This option is therefore recommended as establishes a transparency wall between regulatory functions and compliance.**

MFMRA Organisational Structure

56. The Ministry organizational structure in Figure 5 is proposed and is based on the functional structure outlined earlier and the organizational arrangements described for option 3 above. The proposed organizational structure has the following characteristics:
- i. The structural arrangements for the new Ministry of Fisheries, Marine Resources & Aquaculture (MFMRA) clearly separate the functions of policy advice, fisheries and aquaculture administration and delivery of services to support management (including research) through the establishment of four new Directorates.
 - ii. The Directorates of **Policy and Strategy, Fisheries, Marine Resources and Aquaculture Management, Services and Research and Fish Quality** report to a **Director General, Fisheries & Aquaculture** (and by Constitutional Requirement through the Permanent Secretary) to re-entitled **Minister of Fisheries and Aquaculture;**
 - iii. A fifth Directorate is established to provide **Compliance Services**. The Compliance Directorate will build on the current Whole of Government initiative developed under the **Joint Maritime Committee**. The Director of the Compliance Directorate will report directly to the Minister of Fisheries and Aquaculture and be funded through a dedicated Budget Line to ensure clear separation of accountability between fisheries management roles of licensing and regulation and the compliance role of monitoring and enforcing such authorities.

Figure 4: Ministry of Fisheries, Marine Resources and Aquaculture Organisational Structure



57. A detailed description of responsibilities of each Directorate is provided in Annex VI. Further work is needed to document job descriptions and capacity requirements. A transitional program to begin the process of capacity building and align this to the development of the five year strategic plan is described in the following section.

Transitional Issues

58. A key area of the PSR Framework is reform of the civil service Pay and Grading. On February 11th 2011 Cabinet approved a Public Service Pay Conclusion, which introduces a higher basic wage, eliminates top ups after wage convergence, restores wage relativities and parities, establishes an independent Pay Commission, introduces structural pay reform, freezes recruitment to non-critical positions, expresses the intent to rightsize the public service, and introduce job evaluation and re-grading. The EU is funding the right-sizing process, supporting the Human Resource Management Office with additional technical assistance from UNDP, funding training, and funding anti-corruption mainstreaming into HR processes. The World Bank will support the pay reform through a three-component programme focused on the funding pay reforms themselves, staffing the 'missing middle' of the civil service (currently Grades 7 to 10), and the implementation of performance contracts. The WB's support will be in the form of a Programme for Results instrument, where disbursements are made against the reform results achieved, with the reforms taken from an on-budget Government reform programme.
59. The WB's support to the pay reform can provide strong support to change management and MFMR reform by aligning implementation of the MFR Update recommendations with disbursements, as well as providing an opportunity to inject capacity into the Ministry through funding new posts in order to attract qualified and capable staff.
60. To take full advantage of the wider public sector reform initiatives and match capacity build processes to evolving work stream demands (which may change as the five year strategy for fisheries and aquaculture is developed) and budget limitations it is proposed that the implementation of the MFR is sequenced.

Immediate priorities

61. During the first year priority will be given to building capacity in the core functional areas of government as follows:
- **Policy Capacity:** Building capacity in the Policy Directorate will be the immediate priority action as urgent effort is needed to document the systems, processes and specifications needed to guide key administrative functions including licensing, fisheries unit specification and the framework for establishing sharing arrangements. Given the immediacy of this work and the high initial work load

expected the Policy Directorate will be supplemented with additional technical capacity drawn from WARFP and NEPAD resources.

- **Fisheries and Aquaculture Administration:** Building capacity to administer legal processes including statutory responsibilities for licensing and the implementation of regulatory measures is a core function of the FMRA Management Directorate and will also be an initial priority for support.
- **Fisheries Planning and Stakeholder Agreement:** Core technical capacity will be built aimed at identifying future fisheries management units and progressing pilot fisheries management program activities. Risk assessment procedures will be used to document an initial plan for service delivery. This will be an important foundation for development of change management and capacity development plans in future years.
- **Fisheries and aquaculture services:** Effective and transparent information systems for registries and data management in fisheries and aquaculture are a crucial input in the administration and management process for the Ministry and stakeholders. Documenting the specifications and standards and building capacity inside and outside the Ministry to administer and utilize these systems will be an initial priority.
- **Fish Quality Management:** Development of capacity to certify fish quality as suitable for export and domestic consumption is a Government priority.

62. **Compliance Services:** Strengthening of functional areas already well developed under the Joint Maritime Command structure will continue over the first three years of operation. Attention will be given to ensuring compliance with provisions of the regulatory framework that will under-pin future stakeholder engagement in fisheries. Support will be provided to develop a Compliance Implementation Plan with a focus on ensuring compliance with key provisions (including the licensing system).

Transitional capacity support for 3 to 5 years

63. A detailed change management plan will be drawn up by the PSRU but it is anticipated that this plan will seek to reprioritize and supplement current budgets to enable the immediate establishment of a new leadership team to address immediate priorities and develop the core technical capacity to drive and better define a second phase sector wide capacity build. It is expected that this second phase will extend out to five years and be linked to the five year strategy once developed.

64. It proposed that funding and technical support from the World Bank West Africa Regional Project, and the New Partnership for African Fisheries (Partnership for African Fisheries Program), will be sought for three years for the following associated initiatives:

- i. Technical support for the development of a five year strategy, development of key policy to support administration of the law (including law revisions), and development of standards and specifications for delivery of key services (including registry and information systems);
 - ii. A comprehensive programme of technical support to the implementation of the Updated MFR’s recommendations. Technical support to the Ministry should include provision for broader institutional reform of other relevant state and non state actors (for example assistance to the JMC and assistance to the establishment of extension organizations), and targeted support (technical and financial) to support the Ministry’s change management process through the PSRU. The support should be for a minimum of three years 2012 – 2015.
65. Towards building a long term capacity and capability for fisheries and aquaculture, it is proposed that the Ministry, together with the Public Sector Reform Unit, Human Resource Management Office and Public Service Commission, establish a program to recruit **18 specialized technical positions** at Grade 7 and above that will rebuild mid-level capacity in the Ministry in core Directorates. Recruiting a core team of technical staff to support a new leadership team will have the dual effect of rebuilding the “missing middle” and preparing a cadre of well trained staff to step into the shoes of senior contract management positions when they are vacated. It is suggested that 18 positions allocated across the four Directorates as follows would be the minimum needed to develop a begin a long term investment in capacity and capability building for fisheries and aquaculture:
- i. Policy & Strategy – four senior advisor level positions.
 - ii. Fisheries and Aquaculture Management – four senior level positions.
 - iii. Fisheries Services and Research – four senior level positions
 - iv. Compliance – six senior level positions.
66. To fund the 18 technical positions and facilitate recruitment of highly capable staff it is proposed that the Ministry agree with the Ministry of Finance and Economic Development that it be a priority Ministry under the World Bank’s support for the Government of Sierra Leone’s Pay and Performance Project to support the Ministry capacity build and to link all senior grade technical positions to disbursements under the proposed results based instrument.

Scope of Recommendations in the MFR Update

67. As noted in the introduction to this report, this MFR was conducted as an update to the 2006 Management and Functional Review formally endorsed by Cabinet. A detailed reconciliation against recommendations provided in the 2006 MFR and those additional recommendations provide below is attached as Annex VII. Despite the five plus years that have passed since Cabinet approval of the 2006 MFR some 75 recommendations out of the total of 78 that remain to be implemented are still valid either as they stand or in principle. The recommendations provided in this section are therefore structured as an update to the 2006 MFR and outstanding recommendations detailed in Annex VIII.

68. An important area for the Ministry and for the Government's broader development objectives on food security/livelihoods is the development of inland fisheries and aquaculture. Additional technical assistance is needed to assist the Ministry in fully defining this area of their mandate. It nonetheless should be noted that the functions and structures recommended in the MFR Update are defined in broad terms so that they can accommodate these specific areas of interest.
69. Fish Food Safety is also an important area of focus for the MFMR, relating to the achievement of export status to the EU. The 2006 MFR's recommendation, approved by Cabinet, is for a competent authority to be established within the Ministry of Health and Sanitation (MHS). However, lack of progress by the MHS on this issue and the fact that the MFMR is currently pursuing a PPP with a Dutch company to push this forward means that this recommendations should be revisited, with appropriate technical assistance. Such a review was not carried out as part of this MFR Update but provision has been made for fish quality to be managed as a separate Directorate within the new Ministry structure at the request of the Minister.

Fish quality recommendation

70. **It is recommended** that further analysis is conducted on appropriate functions, structure and staffing of the competent authority for fish food hygiene with respect to gaining EU export certification.

New recommendations resulting from the Updated MFR 2012

71. This updated MFR has resulted in a number of additional recommendations from those presented in the 2006 Review. These additional recommendations are a result of the in depth functional and critical process mapping undertaken by the PSRU/World Bank review team and the adoption of best practice approaches in fisheries. Updated recommendations are presented in three sections below relating to Policy and Law, Function and Structure and Staff and Transition recommendations.

Section 1: Policy and Law Recommendations

72. **It is recommended** that the MFMR immediately develops of a five year strategy for the implementation of an effective framework for the development and management of fisheries and aquaculture in Sierra Leone to meet the objectives established in the Government's Agenda for Change and the MFMR 2010 Policy and Operational Framework for Fisheries;
73. **It is recommended** that MFMR undertakes an urgent review of the Fisheries and Aquaculture Bill 2011 to ensure alignment with the intent and principles of the MFMR 2010 Policy and Operational Framework for the Fisheries. The Ministry should seek immediate assistance from the WB WARFP to support revisions to and consultations on the Draft Bill 2011 to align provisions with the Policy and the five year strategy (when available);

74. **It is recommended** that the Petroleum Extraction and Production Act 2011, which updates the PEPA 2001, is reviewed to ensure that areas identified in the 2006 MFR as overlaps, conflicts or contradictions are adequately resolved.

Section 2: Functions and Structure Recommendations

75. **It is recommended** that the MFMR is renamed the Ministry of Fisheries, Marine Resources and Aquaculture (MFMRA) consistent with the 2006 MFR recommendations approved by Cabinet, and that the title of the Minister be changed to be in line with his/her Ministry's mandate to become the Minister of Fisheries and Aquaculture.
76. **It is recommended** that structural arrangements for the MFMRA clearly separate the functions of policy, regulation and delivery within separate Directorates and through the establishment of a stand-alone Compliance Directorate (as diagrammatically shown in Figure 4).
77. **It is recommended** that a new Vision and Mission is defined for the Ministry in line with the 2010 Policy and Framework for Fisheries and its redefined structure and functions (this is a requirement for the HRMO/MoFED Manpower Budgeting process).
78. **It is recommended** that four new Directorates of **Policy & Strategy, MFMRA Management, Services & Research**, and Fish Quality and that these Directorates report to a newly established position of **Director General , Fisheries and Aquaculture** which, in turn will report (by Constitutional requirement) through the Permanent Secretary to the **Minister of Fisheries, Marine Resources and Aquaculture**.
79. **It is recommended** that a fifth Directorate is established to provide Compliance Services. The **Compliance Directorate** will be designed to build on the current Whole of Government initiative developed under the Joint Maritime Command. The Director of the Compliance unit will report directly to the Minister of Fisheries and Aquaculture and be funded through a dedicated Budget Line to ensure clear separation of accountability between fisheries management roles of licensing and regulation and the compliance role of monitoring and enforcing such authorities.
80. **It is further recommended** that specific provision be made for the collaborative delivery of a range of services through interagency service level agreements, public private partnerships and private sector contracts and that these include the following:
- i. **It is recommended** that the provision of systems and services for the administration license and catch registries be:
 - a) EITHER outsourced to an appropriately capable private sector provider under standards and specifications set and monitored by the MFA. (recommendation of the MFR preparation team);

- b) OR delivered within the new Ministry to transparent standards and specifications (Ministry recommendation);
- ii. **It is recommended** that one or more Private Public Partnerships for enhanced delivery of extension services, needed to support planning and sector capacity building, be sought by open tender;
- iii. **It is recommended** that one or more PPPs for delivery of services for the harvesting and management of a defined fishery/ies be sought by open tender;
- iv. **It is recommended** that following the 2006 MFR Recommendation 24 an MOU will be signed with IMBO and / or other research agencies contracting the Institute to take on research services for the Ministry. The MOU will provide flexibility for the Ministry to contract research of whatever nature to any other appropriate national or international organization.

Section 3: Staffing and Transitional Recommendations

81. **It is recommended** that Ministry elicit the support of the PSRU to assist in the development of a change management program and to engage with the HRMO and PSU in the implementation of the change process;
82. It is recommended that the Ministry, in collaboration with the PSRU, consider the following change management options to supporting an immediate capacity build in the Ministry:
- i. The Director General post and five Director posts within the new structure will be selected through an open competitive recruitment process. The salary and conditions of the contracts will be sufficient to provide an incentive to attract and retain the best candidates for the posts;
 - ii. The Ministry will seek the assistance of the World Bank to identify sources of funding (preferably GoSL) to fund the senior level positions at projected GoSL 2015 salary levels for the relevant grades;
 - iii. The Ministry will seek funding from the WARFP to contract expertise to develop standards and specifications for information and registry managements services;
 - iv. The Director General and the Directors together with the PSRU, HRMO, and Public Service Commission will define detailed job descriptions for their respective Directorates. These will provide the basis of the Ministry's 2013 manpower budget. The budget will include a minimum of 18 permanent specialized senior level technical teams at Grade 7 and above to support the transitional capacity build in the Directorates with a minimum capacity / capability for each Directorate as follows:
 - Policy & Strategy – four senior advisor level positions.
 - Fisheries and Aquaculture Management – four senior level positions.
 - Fisheries Services and Research – four senior level positions

➤ Compliance – six senior level positions.

- v. That 11 technical positions be established through the reprioritization of existing funds and restructure of the existing 11 senior grade positions and that all newly specified positions will be recruited on an open competitive basis;
- vi. That the Ministry agree with the MOFED that it be a priority Ministry under the WB's support for the GOSL's Pay and Performance Project to support the Ministry capacity build and to link all senior grade technical positions to disbursements under the proposed results based instrument. Funding for **seven new technical positions** that are additional to the 11 post already in place and for **all senior grade technical positions to be linked to disbursements under the proposed results based instrument** will be required.
- vii. The Ministry will request the WB's WARFP to provide a comprehensive programme of technical support to the implementation of the Updated MFR's recommendations. Technical support to the Ministry should include provision for broader institutional reform of other relevant state and non state actors (for example assistance to the JMC and assistance to the establishment of extension organizations), and targeted support (technical and financial) to support the Ministry's change management process through the PSRU. The support should be for a minimum of three years 2012 – 2015.

Annex I: Terms of Reference for MFR Update

WORLD BANK, FREETOWN, SIERRA LEONE
RECEIVED
Date November 9, 2011 S.T

PSRU/2/5

8th November 2011

The Minister of Fisheries and Marine Resources
Youyi Building
Brookfields
Freetown

Dear Minister

**WEST AFRICAN REGIONAL FISHERIES PROJECT – IMPLEMENTATION SUPPORT
MISSION TO UP-DATE MANAGEMENT AND FUNCTIONAL REVIEW OF THE MINISTRY
OF FISHERIES AND MARINE RESOURCES**

I write with reference to the above-mentioned subject matter and to inform you that the World Bank is providing technical support to update the Management and Functional Review of your Ministry in the context of the Implementation of the West African Regional Fisheries Programme (WARFP).

The objective of the exercise is to review the current institutional arrangements for achievement of ecologically sustainable and economically efficient fisheries in Sierra Leone.

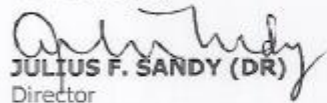
In the light of the above, I am to request for a meeting with the team in your office at **2.00 p.m. on Tuesday 15 November 2011**. It would be very helpful if you could invite the Change Management Team of your Ministry to attend this meeting.

The World Bank Mission will be led by Mr Michael Arbuckle (and includes 2 others), and representatives from the Public Sector Reform Unit.

By copies hereof, the Permanent Secretary and Director of Fisheries are requested to facilitate the process.

Kind regards.

Yours sincerely


JULIUS F. SANDY (DR)
Director

Copy: Min. of Fin & Econ. Dev.
Chief of Staff
Secy. to the President
Secy. to the Cab & HoCS
P.S, Min. of Fisheries & Marine Res.
Dir. of Fisheries, Min. of Fisheries & Marine Res.
Mr Vijay Pillai, Country Manager, World Bank

Annex II

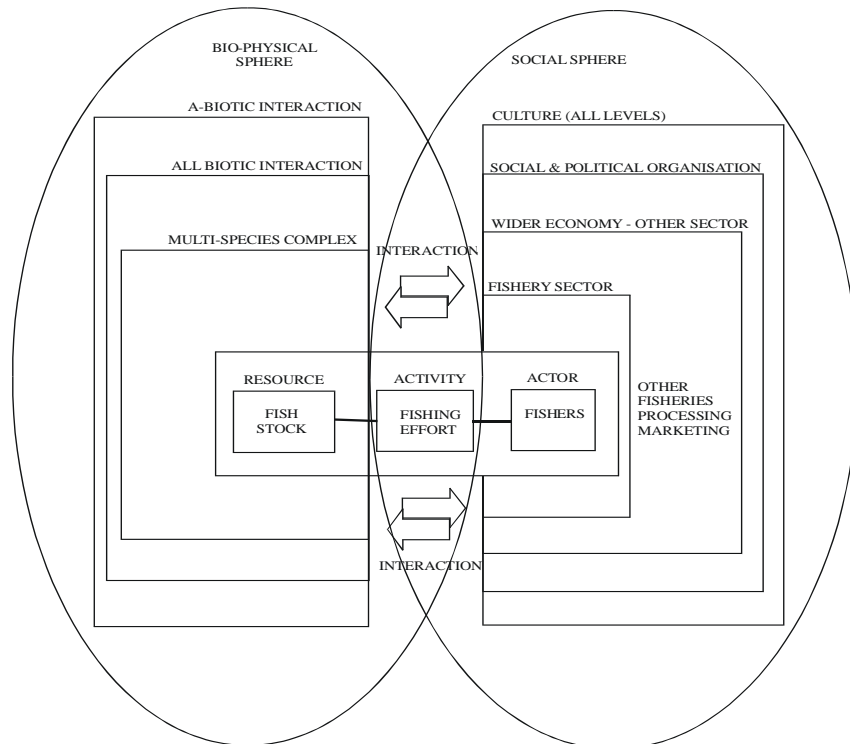
Fisheries Best Practice and Implications for Sierra Leone

1. In the late 1970s, coastal nations extended claims over many of the world's marine fishery resources—from 3 miles to 200 miles from shore. The prevailing management approach, which continues in most jurisdictions today, was for government to rely strictly on command-and-control regulation (e.g. restrictions on vessels, gear, seasons, and catch characteristics), with little attention given to economic objectives or incentives.
2. The evidence is now overwhelming that this approach has not delivered reasonable economic, social, or biologically sustainable outcomes over the past 40 years. A joint World Bank / FAO study estimates that over US\$ 50 billion each year is being lost from inefficient use of fisheries resources and overall if subsidies are accounted for the costs of catch, processing and managing fisheries globally exceed the benefits being gained.
3. The silver lining is that the potential pay-off from fisheries reform tailored to meet the political economy conditions in a region is not only huge economically for the sector, it is crucial for enhancing economic growth and alleviating poverty in developing countries with significant fisheries assets. It is estimated that potential net gains from good governance of fisheries worldwide could exceed US\$ 100 billion each year.
4. Fortunately, knowledge of best practice in fisheries development and management is increasing based on empirical experiences worldwide. There are now a growing number of international guidelines and success stories on fisheries management that can be drawn from including the Code of Conduct for Responsible Fisheries and Associated FAO Guidelines and Technical Reports. Success stories often cited in the literature include New Zealand, Australia, Iceland, Norway, Namibia and others. A global study of fisheries management identifies catch share systems, that cover about 2 % of the world's fisheries, as the management systems that have proven to be effective where other more conventional command and control systems have failed.
5. It is possible from these experiences to identify the factors which will determine successful policy including the choice of objectives, appropriate incentives for fishers and effective institutions. These factors are discussed in detail in a series of World Bank Policy Briefs (see www.worldbank.org/fish "Fisheries Factsheets") and some of these key factors (of particular relevance to challenges and policy drivers in Sierra Leone) are summarized below starting with a discussion on fisheries systems approaches to management.

Systems approach

6. A first critical step to understanding how successful fisheries management works is to properly understand the nature of the processes (fisheries systems) that need to be implemented to effect such management.
7. The fisheries system is extremely complex. Figure 1 shows one conceptualization of the way in which the fisheries exploitation sub-system and the management authority fit within a much larger total system, comprising two major spheres – the physical bio-sphere and the social sphere. The behavior of fish stocks is embedded in a much wider system of interactions in the bio-physical sphere. Fishing effort, through the behavior of fishers, is embedded in a much wider system of interaction within the social sphere. Analyzing and managing fisheries on this kind of basis was in the past, and almost certainly will be into the foreseeable future, out of the question due to the cost and the lack of appropriate data.

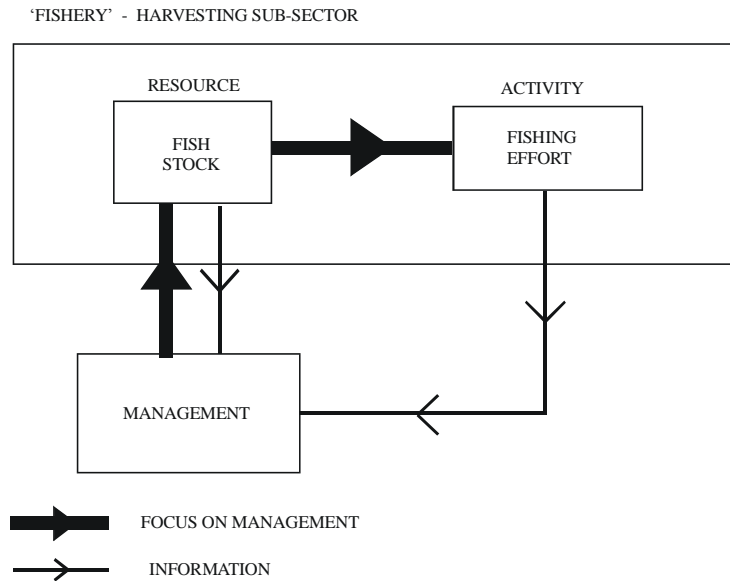
Figure 1: The fisheries systems approach to fisheries



8. The problem facing fisheries analysts and managers has therefore been to develop a simplified version of Figure 2 that is both workable and meaningful. This simplification has long been dominated by what might be called the fisheries science paradigm. The central focus of this conceptualization is the fish stock (or the resource). The objective is assumed to be to maximize sustainable yield or production (MSY), which can be achieved by changing levels of fishing effort (or more accurately fishing mortality), as shown in Figure 2. This conceptualization remains very powerful and underpins for instance many international agreements (for instance, the WSSD goals). The results of using this conceptualization,

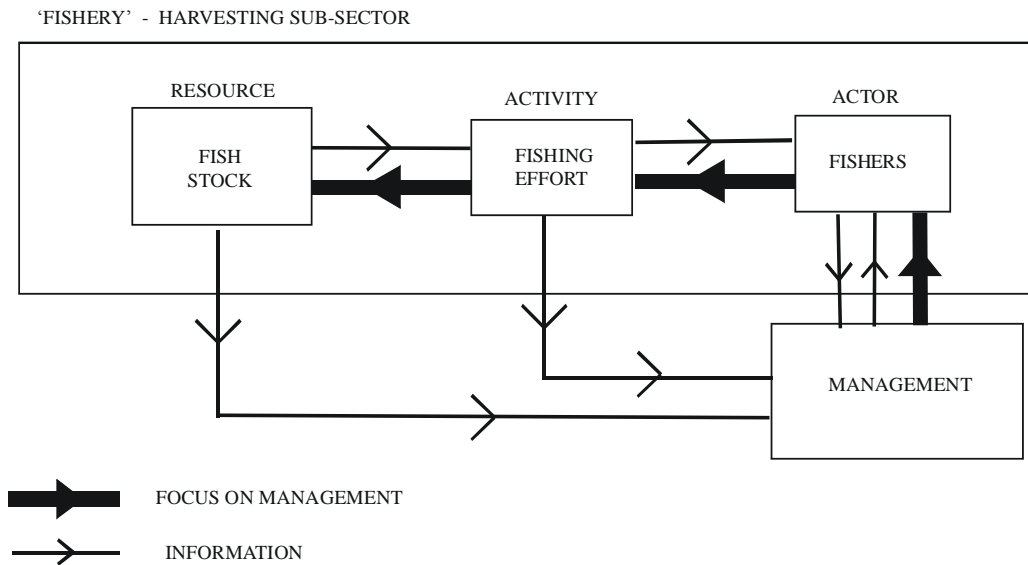
however, have been rather poor and many of the world's fisheries are overexploited biologically and even more so economically as noted above.

Figure 2: The 'conventional' fisheries science based approach to management



9. As a result, a more recent conceptualization, the human sciences approach, has emerged that focuses attention on a third important component within the exploitation sub-sector: the actors (fishers) and the institutions that determine their behavior in addition to the fish stock and fishing effort, as shown in Figure 3. This approach emphasizes that the management of fisheries is primarily a problem about the behavior of people, not about the behavior of fish. The actor (fisher) is the prime focus of management, and various attempts have been made to explore, explain and predict actor behavior through fisheries economics, social and political economy, institutional economics and cultural economics. The key finding is that, although people respond to all kinds of incentives, the key driver for fisheries exploitation (and overexploitation in particular) is the resource rent inherent in all fisheries. Many of the issues identified by the more simple fisheries science paradigm deal either with symptoms or constraints which is why the approach has been unsuccessful in achieving sustainable exploitation.

Figure3. The human sciences approach to fisheries



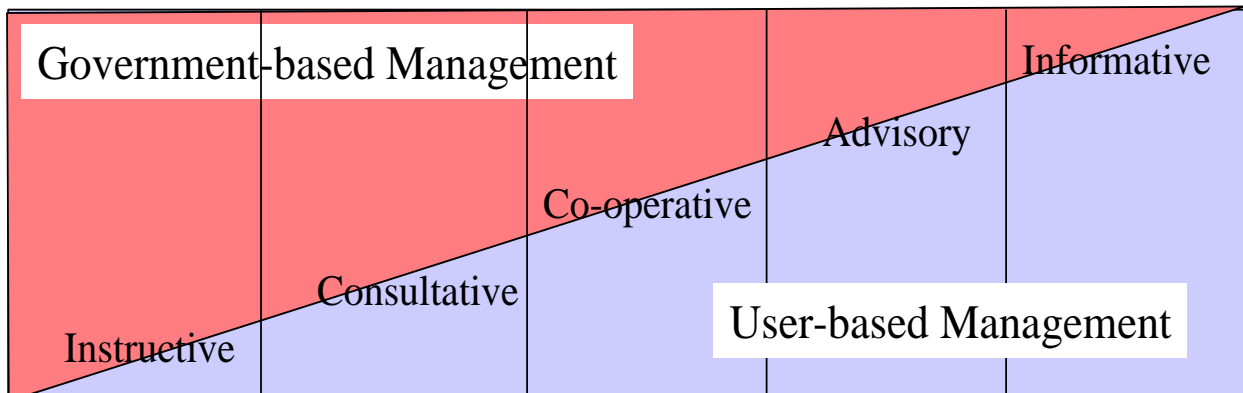
Best practice

10. As noted above, a growing number of countries have begun to experience some success in their fisheries management systems. Analysis reveals that the common factor is that their management systems deal with the resource rent issue through the allocation of rights of harvest to fishers or communities and hence aligning the incentives facing fishers with the objective sought by the management authorities. “Catch-share” systems that provide these kinds of rights, backed by force of law, are already used in New Zealand, Iceland, Canada, Australia, United States, Estonia, Greenland and the Netherlands. Among developing countries, Chile and Namibia use catch-share systems for some species and Peru recently adopted them for the world’s largest fishery, the Peruvian anchovetta fishery.
11. Many developing countries are also turning to rights-based systems that grant exclusive fishing rights to nearby fishing communities or fishing cooperatives. Such systems are used successfully in many countries including the Alaska halibut and North Pacific Pollock fisheries, and the Shetland Islands, Chile, and Japanese and New Zealand fisheries. In Baja, Mexico, nine fishing cooperatives have fishing rights—ratified by the Mexican government—inside a distinct area. They and an affiliated federation work together to manage the local fisheries and research, using only limited government support.
12. Forms of **co-management** built around defined fishery management units are increasingly promoted as an effective way forward in developing countries. It is relevant to note that co-management approaches are already part of the future policy and legal framework for Sierra Leone as detailed the MFMR 2010 Policy and Operational Framework for Fisheries and provided for in the new Fisheries and Aquaculture Bill. Co-management is generally defined as an approach to management where the responsibility and function of managing fisheries is shared between the government and resource users or the community.

Co-management is in essence a sharing of the power to control the allocation and use of fisheries resources and in effect the rent that is generated from this use. The actual role of user groups and government in co-management can therefore vary widely depending on the amount and type of responsibility for management and control of the resource that is held by each party.

- Figure 4 provides a diagrammatic representation of co-management arrangements and the changing relationship between Government and the users as the level of management by the resource user/s is increased. At one extreme the relationship is largely instructive on the part of Government, very similar to a traditional command and control approach, but one that might engage users in the process of implementing management measures to a greater or lesser degree. At the other end of the spectrum the role of Government is much reduced and the users are largely responsible for fisheries management. The relationship between Government and the users then becomes largely informative. Co-management has failed where users are only involved in the process of implementing management measures and not in the process of setting the management objectives governing resource use. Best practice approaches are those that empower the users to take a greater responsibility for the management of the resource.

Figure 4: The changing role of government in co-management as the level of management responsibility of resource users is increased.

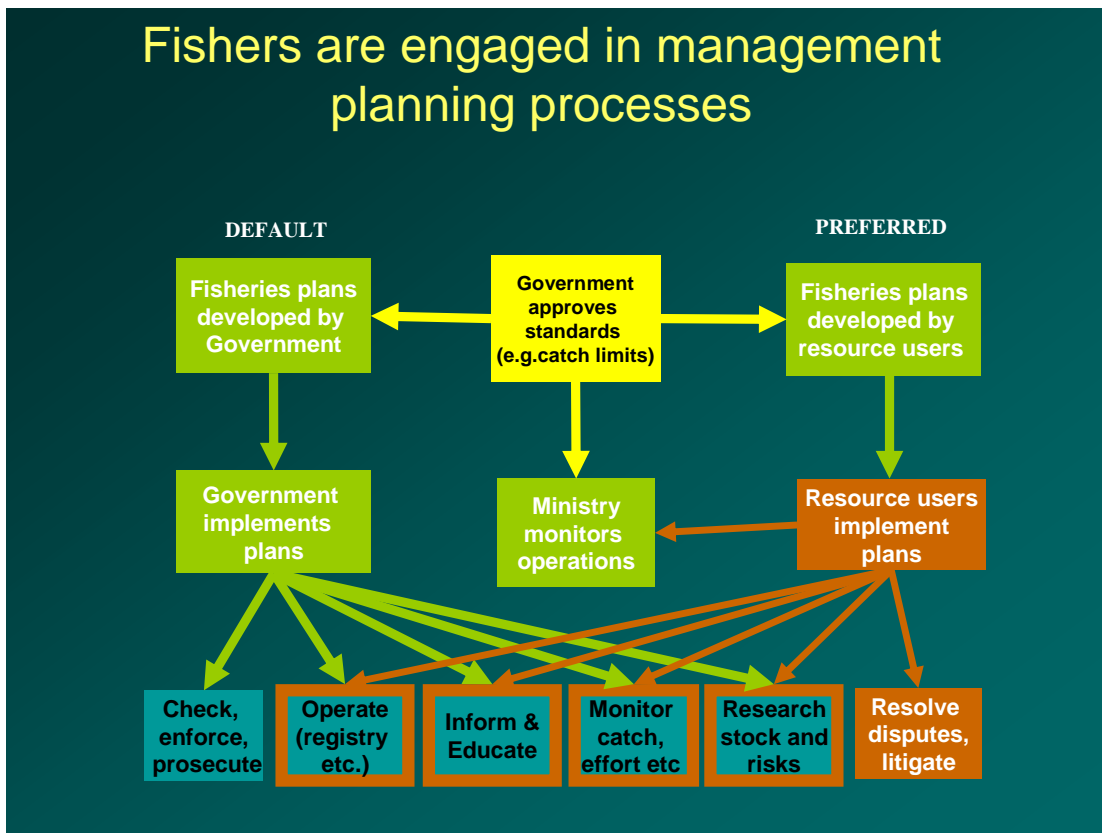


modified from Pinto da Silva, 2004

- There is extensive documentation covering lessons learnt in trying to implement co-management. FAO has categorized these lessons into four “pillars” for successful co-management. These include an enabling policy framework, the participation and empowerment of the resource users, effective linkages and institutions, and the allocation of an asset worth protecting. Under such arrangements there are strong incentives on the resource users to self regulate their activities. This has also proven to be true in countries with developed economies even with greater resources available to fund central government-based management activities.
- Past lessons highlight the important role of Government in establishing and maintaining the management framework that enables and provides the incentives for the users to take greater

responsibility for management. This requires government to, at the very least, set the appropriate policy frameworks, and specify, allocate, protect and legitimise the harvesting and management rights to be exercised by the users. Figure 5 below provides a diagrammatic representation comparing a “default” command and control structure with the “preferred” process of empowering users in the management of use of fisheries while maintaining government oversight to ensure that the sector meets overall government standards. The core role of government in such a framework is to allocate rights (e.g. quota or territorial use rights), set and monitor environmental and other standards (e.g. catch limits) and ensure compliance with the overall legal framework.

Figure 5: Preferred roles and responsibilities for government and industry in marine fishing



16. Managing the transition to management framework that engages the fishers and communities in both the use and management of the resource requires five key tasks as follows:

- Task 1 is to define the fishery system that is to be managed (the management unit)
- Task 2 is to determine responsibilities for fisheries management and use which involves the following
 - Assigning tasks to align incentives for efficiency and resource stewardship

- Task 3 is to delineate and allocate the rights to harvest and beneficiaries of fishing (allocate licenses / establish agreements with stakeholders)
- Task 4: is to design critical management systems and processes which would necessarily include the following:
 - The establishment of management unit strategies / agreements (based on risk and opportunity assessment)
 - The establishment of licensing systems and processes and registries (for both fisheries and aquaculture)
 - To specify and prioritise the suite of supporting services and outputs that need to be delivered to implement fisheries strategies and agreements (i.e. a Fisheries Service Plan) support services and outputs)
 - To build monitoring and enforcement systems and processes
- Task 5: is to build capacity and capability to implement these tasks.
 - This task must be sector wide given that stakeholders will be engaged in management processes.

Implications for Sierra Leone

17. Sierra Leone already has the policy and draft legal setting that supports the establishment and implementation of the Tasks detailed above that needed for successful fisheries management. The Policy framework, documented in the MFMR 2010 Policy and Operational Framework for Fisheries sets the high level goal to achieve “ecologically sustainable and economically efficient fisheries in Sierra Leone” and the operational objectives to achieve this outcome through five key strategies:
- Conservation and sustainable use through risk assessment and regulatory action;
 - Increasing stakeholders’ responsibilities for management and use;
 - Development of an efficient and effective extension service to facilitate stakeholder engagement in management;
 - Diversifying and increasing trade of fish products (building the business capacity of the fishing industry);
 - Sustainable aquaculture development.
18. The draft Fisheries and Aquaculture Bill already provides the legal basis for implementing the key tasks for successful fisheries management although a review of key provisions carried out as part of this MFR has identified some areas of weakness (see comment below). In Particular the Bill provides for the following:

- Task 1: the establishment of fisheries management units - a “designated fishery” in the Bill (s14);
- Task 2: delineating responsibilities – through the development of management sharing agreements (s16)
- Task 3: the allocation of access rights to harvest fish and carry out aquaculture activities (s74-86 for capture fisheries and s103-107 for aquaculture);
- Task 4: the development of critical management systems and processes. While the draft Bill provides for rudimentary systems to support the management of fisheries based on allocation of inputs (i.e. the vessel licensing) it does not yet have an advanced system that will enable the future adoption and administration of output level systems (e.g. catch share systems). The legal framework (subject to reforms noted below) does however support the development of operational systems and processes to begin the transition to effective management of fisheries and aquaculture in Sierra Leone and these are detailed further in Annex V.

19. A particular weakness of the legal framework is that the Bill implements the above Tasks in a sequence that is based on a command and control model of management. It, for example, does not require the establishment of management units prior to licensing and the establishment of management agreements. Determination of services through the development of plans also unhelpfully precedes these processes. It would seem prudent to structure the law in a way that necessitates the establishment of management units and responsibilities for delivery of services before undertaking a process to determine the services needed to implement these arrangements. It is therefore recommended that the Bill is revised to address these sequencing issues. A number of additional recommendations for reform of the Bill to better align the law to meet the overall MFMR Policy and Operational Framework for Fisheries are identified in Annex III.
20. In reality the Task (Task 5) of building sector wide capacity and capability to successfully develop and manage fisheries and aquaculture will require a transition and last many years. It is critical that this transition is properly phased and this signals the need to establish a robust strategic and operational plan that provides a clear road map for transition over the next five years and beyond. In the interim it is clear that an initial upfront investment in building core Government roles and capability and capacity in policy, administration and enforcements is needed. At the same investments in building base management information systems (e.g. license and catch registries and research information) that are transparent and available for future stakeholder use is needed. A large up-front transitional investment in building the capacity, organisation and capability of sector groups will also be required.

Annex III: Fisheries Policy and Law Alignment Issues

1. This Management and Functional Review is underpinned by a range of policy and legal initiatives that have been undertaken over the last 8 or so years. Key initiatives reviewed as part of this MFR Update are outlined in the following table.

Date	Key policy and legal documents	Functional reviews
2006		DFID MFMR Management and Functional Review (MFR) approved by Cabinet
2007	DFID 2007 Report "Sierra Leone: A proposed Fisheries Sector Strategy Report" completed	
Sep 2009	West Africa Regional Fisheries Project approved	
Dec 2009		EU in house training workshop on Structure and Policy completed
2010	Fisheries Regulations Draft (1994 Act)	
Mar 2010	MFMR Policy and Operational Framework for Fisheries in Sierra Leone adopted	
Aug 2011	Draft Fisheries and Aquaculture Bill drafted	
Oct 2011		NEPAD/DFID Country Programme MFR Retreat
Dec 2011		Current review

2. It is clear from the above timeline of events that oft times the management and functional reviews have preceded policy and legal reform. The MFR team was therefore conscious of the need to ensure that the most recent review was sensitive to recent policy changes adopted by the Government of Sierra notably in the Agenda for Change and as outlined in the MFMR 2010 Policy and Framework for Fisheries. In this respect three problems within the draft Bill have been identified. The first concerns the way the Bill provides for the sequencing of the key management tasks. The second is the proposed implementation of measures in law that will reduce flexibility for future management and innovation in Sierra Leones fisheries and the third is an administrative matter related to the delegation of powers for authorized fisheries officers.

Sequencing of core management tasks

3. Problems with the order in which the Bill requires key fisheries management tasks to be implemented are discussed in detail in Annex II and are not revised here except to repeat that it is recommended that the Bill is revised to address these sequencing issues.

Constrained opportunities for innovation

4. The draft fisheries Bill as currently proposed incorporates and entrenches in primary law many of the draft fisheries regulations developed for promulgation under the (now outdated) 1994 Act. These provisions include a number of prescriptive command and control measures (known as input controls such as mesh size restrictions and area closures – see Part V clauses 18-22) linked to particular subsectors of the fishery (i.e. artisanal, versus semi-industrial, versus industrial defined in Section 1 of the act). This creates an alignment problem with the Government's new vision for fisheries because it entrenches historical fishing capability and use patterns with the effect of constraining opportunities for future innovation.
5. The use of sub-sector divisions as a basis for fisheries management and the introduction of divisive inputs controls will constrain innovation in two ways; first by removing and inhibiting opportunities for technological innovation and change (e.g. replacement of historical fishing technology with more efficient and ecologically sustainable fishing vessels and methods) and, second, by constraining opportunities for rationalization between sectors who fish the same stocks.
6. While such prescriptive measures may be needed as a transition to address immediate short term conflicts (e.g. the Inshore Exclusion Zone for vessels other than artisanal fishing vessels) and critical environmental threats they should not be seen as an appropriate foundation for future management and entrenched in primary law. Over the medium term innovation will be needed to meet the expressed Government outcomes of improving economic use of fisheries to contribute to national poverty reduction and wealth generation. To enable such innovation it is now recognized internationally that fisheries management systems need to be founded within defined management units that are linked to the biological and / or economic productivity of fisheries (as opposed to historical fishing methods), and where such systems are managed within secure and enduring rights based frameworks.
7. It is therefore recommended that the prescriptions that seek to entrench existing patterns of fisheries use are removed from the primary law (and placed in regulation as an interim measure where necessary). To better establish the foundations for future innovation it is further recommended that provision is made to strengthen the role of the Ministry and Minister in setting initial management units for fisheries by making this a first and necessary initial step for effective management where economic or environmental sustainability is compromised.

Delegation of powers for fisheries officers

8. The MFR recommends that the new arrangements for the MFMR clearly separate and specialize the roles of staff to minimize conflicts of interest and build necessary capability for future management. Rather than have generalists that know a bit about everything the new Ministry will have deeply skilled specialists dedicated to particular tasks and underpinned by the requisite training and academic background.

9. In particular it is recommended that enforcement and monitoring roles which need specialized policing type skills and experience (i.e. skills associated with search and seizure of property, indictment and arrest) are separated through a dedicated Directorship reporting to the Minister. The current Bill however proposes that the Director of Fisheries has responsibility and authority for appointing such officers.
10. Under the new MFMR the management of fisheries officers will not be a line management function of the Director of Fisheries. This is because retaining such management responsibility within same person and unit responsible for allocating licenses and collecting fees is creates an unnecessary and arguably inappropriate conflict of interest. It, in particular, causes difficulties in delegation where staff may be asked on the one hand to provide advice and assistance to fishers in licensing and reporting and on the other they are asked to arrest and prosecute fishers for non-compliance with such rules. The paradox for the staff member is that they are faced with a prospect of prosecuting people for implementing rules that they themselves have designed and put into effect (and advised on). This situation undermines the integrity of the management regime as staff are unnecessarily put in a situation where corrupt practices can be and often are undertaken. Without a clear separation of accountabilities it is difficult to manage these conflicts of interests and the adverse stakeholder perceptions that inevitably arise.
11. The MFR team therefore recommends that the process outlined in the new Bill for appointing authorized fisheries officers is reviewed. Best practice in other jurisdictions places this role outside of the line Ministry (e.g. with the equivalent state sector Minister) or simply deems such responsibility a role of existing agencies (e.g. policy or military officers) to minimize such conflicts of interest and ensure that coercive powers of the state are exercised by personnel trained for this purpose. At the very least, it is recommended that the appointment process for Fisheries Officers is separated from the role of the Fisheries Director in a transparent and accountable manner.

Annex IV: Current MFMR Staff Profile

1. The total compliment of Administration staff is 85 of which 4 are G7 or above. The Total compliment of professional staff is 80 of which 11 are G7 and above and 2 of these are due for retirement within 5 years. A number of the technical positions at G7 and above are acting positions.

Administration

Grade	Number of posts	No of staff within 3 years of retirement	Qualifications	Comments
13	1		Postgraduate development degree (French Post Graduate), BA	
9	1		BA	
8	1	Data not available	no	Snr Radio Officer
7	1	42	Postgraduate Env Mgt degree, BSc Env Sciences	
5	3	1	All with O levels or CSC	
3	21	2	9 with certificates or/and O levels	6 drivers at G3
2	34	4	2 with diplomas	
1	23	5	nil	

Technical

Grade	Number of posts	No of staff within 3 years of retirement	Qualifications	Comments
12	1			
11	1	retired	Postgrad. Diploma, BSc	Was Acting
9	3	2	BSc and HND	Principal Fisheries Officers
8	4	none	2X BSc, 1X MSc 1X PG Dip	Senior FOs
7	2	none	BSc	FOs
6	1	1 (at retirement)	Vocational	Senior Skipper
5	4	2 (at retirement)	1X HND, 1X Diploma, 1X BSc	Snr Fisheries Asst plus 1 Marine Mechanic
4	1	1 (over retirement)	none	
3	28	8	3 with many certificates	11 of these posts are enumerators, others include fishermen, boatswains, mechanics, lab hands and so on
2	28	5	none	11 enumerators, with others including boat builders, fisheries assistants, lab hands, bo'suns etc
1	4	2	none	Jobs as above

MFMR Professional Job Titles

Job Title	Number in MFMR	Grades
Director	0	11
Deputy Director	0	10
Principal Fisheries Officer	4	9
Senior Fisheries Officer	4	8
Fisheries Officer	2	7
Senior Fisheries Assistant	3	5
Fisheries Assistant Grade III	3	2
Temporary Assistant	1	2
Senior Skipper	1	6
Skipper	1	5
Fisherman	7	3 and 2
Boatswain	2	3 and 2
Marine Mechanic	5	5, 3, and 2
Mechanic	3	3 and 1
Food Processor	1	2
Lab Hand	7	3 and 2
Fisheries Hand	1	2
Boat builder	6	3,2, and 1
Field Technician	2	2
Enumerator	25	4,3,2 and 1

Annex V: Key Processes in Fisheries and Aquaculture

1. Following is a detailed breakdown of the five critical processes described broadly in the body of this report namely:
 - i. the process and output of policy advice;
 - ii. the process of implementing policy;
 - iii. the process of planning, specification and prioritization of the activities and inputs needed to support management;
 - iv. the process of delivering of key services (sub-outputs) to support management including information, compliance and extension services;
 - v. the process of monitoring of performance against policy outcomes (included here as an aspect of policy advice)

The process and output of policy advice and monitoring performance

2. Policy Strategy development
 - Develops strategic frameworks for Government approval including the development of outcomes expected for fisheries and aquaculture
 - Output is that the policy and operational framework for fisheries and aquaculture] in Sierra Leone (Long term Vision) is developed and approved
3. Development of policies for fisheries and aquaculture implementation
 - Support legislative reviews and amendments
 - Cabinet papers on legislative reform, drafting instructions
 - Develop policy to clarify legal ambiguities and direct discretionary actions (e.g. licensing)
4. Provide international policy advice and relationship support
 - Provide advice and support to Government on international negotiations (e.g. World Trade Organisation negotiations on fish trade, United Nations review of the UN Law of the Sea (UNCLOS), development of non-binding instruments such as the Code of Conduct for Responsible Fisheries (and Aquaculture) and related guidelines)
 - Provide technical advice on bilateral and public private negotiations on access rights to fisheries
5. Policy monitoring
 - Provides economic and social analysis of fisheries and assessments of whether implementation strategies and policy are meeting government outcomes

The process of implementing policy specifying and prioritizing supporting activities and inputs

6. Statutory process management
 - Implements statutory processes including the allocation of licenses for fishing and aquaculture and associated transactions
 - Output is licenses issued and statutory processes completed (this is the foundation for the establishment of effective agreements for “sharing” management responsibility)
7. Development of “sharing” agreements
 - Allocates responsibilities for management between govt (National & Local) and stakeholders
 - Defines beneficiaries of allocation and management (fishers, communities, govt) and

- Defines governance arrangements for stakeholder engagement in management of fisheries
- Outputs are fisheries management units managed under effective sharing agreements
- 8. Fisheries Planning (risk and opportunity assessments around defined fisheries units)
 - Defines and specifies management interventions (rules and services) and monitors delivery of services
 - Outputs are individual fish plans and associated services
- 9. Fisheries Implementation Planning
 - Defines and prioritizes the nature and extent (cost) of fisheries services that will be delivered by the Ministry, associated agencies (JMC and NIMBO) and through public private sector and donor (e.g. NEPAD / DFID) engagements
 - Output is a consolidated annual plan as a key input into appropriations process and to external agencies for budgetary / project support. Output is a consolidated service plans for Research, Fisheries Administration (e.g. licensing, vessel and catch registries), Monitoring, and Compliance (education, surveillance and enforcement)
- 10. Information management
 - Maintains access to registry & catch and effort data bases, research information and provides information to underpin fisheries plan risk assessment
 - Provides research including stocks assessment processes (?)
 - Outputs are fisheries assessment reports and an annual fisheries and aquaculture status report
- 11. Compliance systems, processes and services
 - Develops and runs systems and processes to meet national compliance plan objectives (e.g. maximizing voluntary compliance with fisheries rules and licensing provisions)
 - Provides services including surveillance, monitoring (including fishery dependent catch monitoring), observers and enforcement
 - Output is fisheries compliance
- 12. Extension technical advice
 - Provides technical support and advice to stakeholders in the management and use of fisheries
 - Output is advice provided measured in terms of stakeholder organisations and capacity built and technology utilized by aquaculturists and fishers

Annex VI:

Proposed MFMRA Structure

1. The responsibilities of each Directorate will be as follows:

- **POLICY & STRATEGY DIRECTORATE:** A dedicated Policy Directorate will be established that has responsibility for developing three core outputs; i) policy to guide changes to the Government's policy and legal framework for fisheries and aquaculture and provide policy clarity in the exercise of discretionary powers in the administration of fisheries, ii) socio-economic analyses to monitor performance of legal and operational frameworks in meeting expected outcomes set by Government, iii) services to support the Government in bilateral and multilateral negotiations and development of public private partnership agreements;
- **FISHERIES, MARINE RESOURCES & AQUACULTURE MANAGEMENT DIRECTORATE:** A dedicated Fisheries Directorate will be established to administer the sectors through i) the establishment of coordination of regulatory process and development of operational policy for fisheries administration; ii) the administration of regulatory processes (e.g. allocation of licenses and other (including aquaculture) authorizations, iii) development of fisheries plans and associated fisheries management sharing agreements, and iv) planning and specification of supporting services.

Services specified will be designed to meet legislative obligations to deliver efficient and ecologically sustainable fisheries and aquaculture for each discrete fishery management unit and for aquaculture. Service priorities will be established using risk assessment analysis, be fully costed and will encompass the following services for each fisheries unit and aquaculture:

- i. Research requirements and project specifications
- ii. Catch monitoring requirements and specifications (including observer requirements and reporting obligations)
- iii. An allocation plan for licensing and authorization of fishing and aquaculture.
- iv. A compliance plan including education, surveillance and prosecution services.
- v. A plan for implementing any supporting regulatory interventions
- vi. Extension services needed to build stakeholder organizational and technical capability and capacity to implement sharing agreements.

The Fisheries Directorate will be responsible for developing transparent service level agreements between agencies for the delivery of services (including to other Directorates within the Ministry) and for developing standards and specifications for outsourcing of services where they are to be contracted. This will include the development of specification for the provision of licensing and catch monitoring services.

- SERVICES & RESEARCH DIRECTORATE: The Fisheries Services Directorate will provide and / or coordinate delivery of key services other than those associated with the Compliance Directorate. The Services provided by the Fisheries Services Directorate will be determined through the planning service specification processes completed by the Fisheries and Aquaculture Directorate and critically will include two major outputs: i) the provision of stock assessment and scientific advice and information and ii) the provision of extension services to facilitate stakeholder capacity building and technological uptake. Fish product quality management is included within the Fisheries Services Directorate as an interim arrangement until this function is fully reviewed.
- FISH QUALITY DIRECTORATE: The services to be [provided within this Directorate were not reviewed as part of this MFR.
- COMPLIANCE DIRECTORATE. A separate Compliance Directorate will be established with a reporting line of accountability directly to the Minister of Fisheries. The Compliance Directorate will be supported by the Joint Maritime Committee and be responsible for i) developing and implementing compliance strategies; ii) delivering catch and vessel surveillance services, iii) delivering observer services, iv) providing prosecution services. The nature and extent of services delivered will be detailed in a service level agreement established with the Fisheries and Aquaculture Directorate in line with the Fisheries Implementation Plan.
- ADMINISTRATION: The Ministry will also have an administration arm reporting to the Permanent Secretary. The Administration arm will provide corporate level services to the MFMR as a whole including i) Human Resource Management; ii) Financial Management; iii) Property Management; iv) Corporate Information Management; and v) Communication Services.

Annex VII: Comparison of Management and Functional Reviews

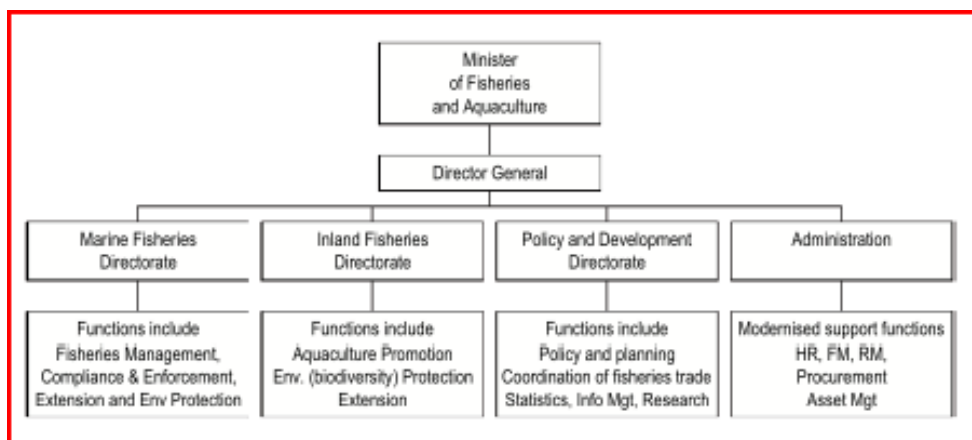
Background

1. Redefinition of the Ministry of Fisheries structure began with the Public Sector Reform Unit's (PSRU) Management and Function Review 2006, which was (and still is) part of the Government's broad public sector reform agenda encompassing all main Ministries. Since 2006 there have also been two separate attempts to define a new structure for the organisation as part of donor assisted sector interventions. These proposals – one by the EU in 2009 and the other by NEPAD in 2011 – are markedly different both from one another and from the Cabinet approved structure delineated in the 2006 MFR developed by the Ministry with the PSRU. The NEPAD proposal has been partially implemented by the Ministry, despite the fact that it hasn't gone through the required Cabinet process as part of the Public Sector Reform process. The following analysis provides a synopsis of the various structures proposed for the Ministry, and compares them against the policy-aligned structure recommended in this re-review

2006 MFR Structure:

2. The 2006 Management and Functional Review carried out by the PSRU with the assistance of the Ministry recommended a structure that was approved by Cabinet, but that was not implemented due to frequent changes both in the political tier and the professional leadership of the Ministry, and also Government reversal of policy on introducing 'CEO-style' Director Generals across the service. Attempts to replace the Permanent Secretary (PS) with a CEO-style Director General foundered because the PS's role as head of the civil service tier of any Ministry is embedded in the Constitution. A simplified version of the MFR 2006 structure is shown below.

Diagram 1: MFR proposed structure (Cabinet approved)



3. The MFR embodied a sound functional analysis in terms of public administration efficiency and effectiveness, but suffered from the absence of international technical expertise in fisheries to provide best practice perspectives on policy and functions. The result is a proposed organisation that regroups the Ministry's functions but is still oriented towards 'Command and Control' fisheries management (with little or

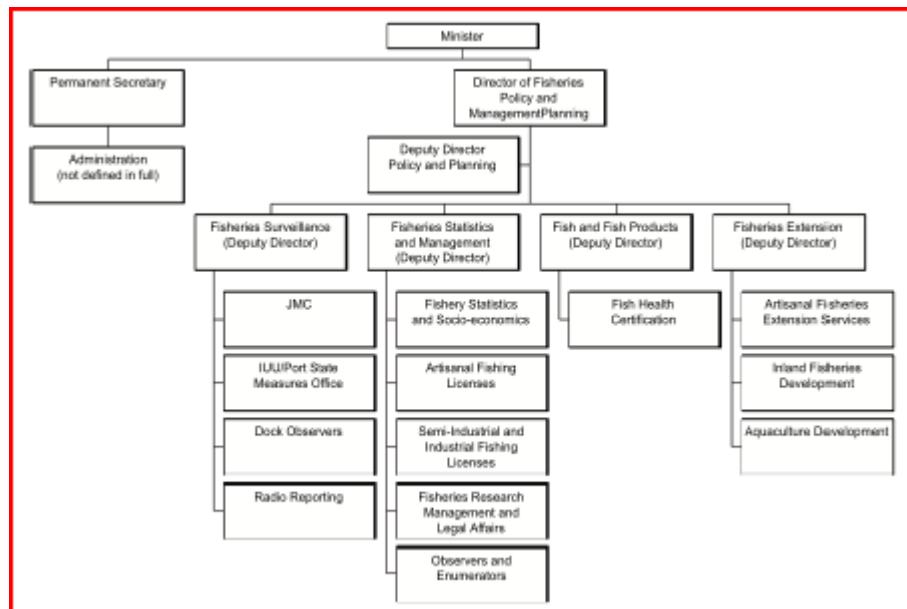
no utilisation of capacity external to the Ministry), and more seriously does not separate compliance and enforcement from other aspects of fisheries management.

- The development of the Policy and Operational Framework for the Fisheries of Sierra Leone 2010 (which was in line with the MFR’s recommendations) together with the Government decision on shelving plans for CEO-type Director Generals, and allied to the lack of progress in implementing MFR recommendations necessitated the current re-review of the MFR undertaken by the PSRU with World Bank support.

2009 Institutional Support for Fisheries Management (European Union):

- The second proposal for restructuring the Ministry was generated during a two-day workshop in December 2009 for Ministry staff. This was supported by the EU’s 9th European Development Fund (EDF) Programme and under the auspices of the Strategic Policy Unit, Office of the President. The workshop addressed whether the Government should form a regulatory (licensing) authority with the Ministry undertaking policy and extension roles. The creation of an agency was recommended as being deferred, but no rationale was given. A structure was proposed that in the view of the workshop participants would enable later devolution of licensing and advisory functions. This is given in simplified form below.

Diagram 2: EU/SPU proposed Structure



- As can be seen, the structure includes **all fisheries management functions** within the Ministry, opening the question as to the capacity of the Ministry to recruit and manage business processes in Sierra Leone’s post conflict context, and the ability to mobilise resources to fund the various departments. In addition, there is **no separation** between Compliance/Enforcement and other functions, which embeds a tendency for conflict of interest and poor enforcement of the licensing regime.

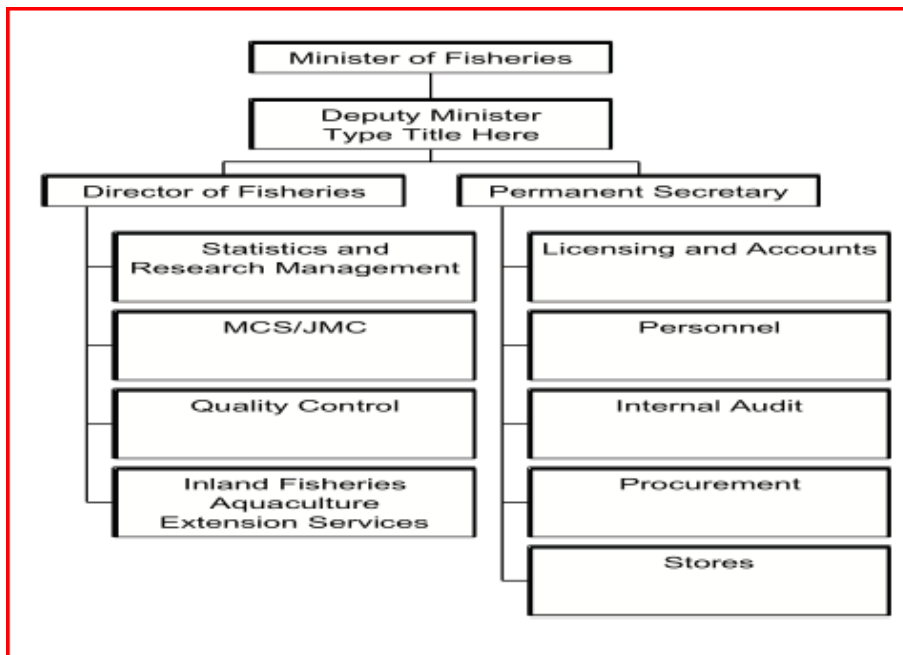
7. Finally, the structure presents a bifurcated organisation with Technical and Administrative wings separately answering to the Minister. This runs against both the Constitution and the Government’s policy on restructuring as set out by the PSRU. It is worth noting that although PSRU and SPU are both Units within the Office of the President, there is no mention of the PSRU’s broader public sector reform agenda or the 2006 MFR.

AD/DFID structure

8. This structure was also proposed during a workshop, this time in March 2011. Little background documentation is available and what there is – while useful in providing a gap analysis of donor support to the sector – does not provide a rationale for the structure proposed. However it is apparent that the Ministry has implemented to some degree this proposal, albeit without Cabinet approval or through the usual PSRU/Steering Committee on PSR/HRMO process. A simplified depiction of the structure is given on the next page.

9. This proposed structure suffers from the same inherent design flaws as the EU/SPU one in conflicting with Government Public Sector Reform policy and the Constitution in recommending bifurcated Administrative and Technical wings, and with both the EU/SPU structure and the original MFR in not separating compliance/enforcement from other functions. Other problems with this proposed structure are that – as in both other proposals – the Ministry is overloaded with functions that should according to public sector reform and fisheries sector management best practice, and the Government’s own policy intents laid out in the Agenda for Change, be located in state and non-state agencies that can support the Ministry. Internal Audit should also be positioned outside the normal Administrative functions.

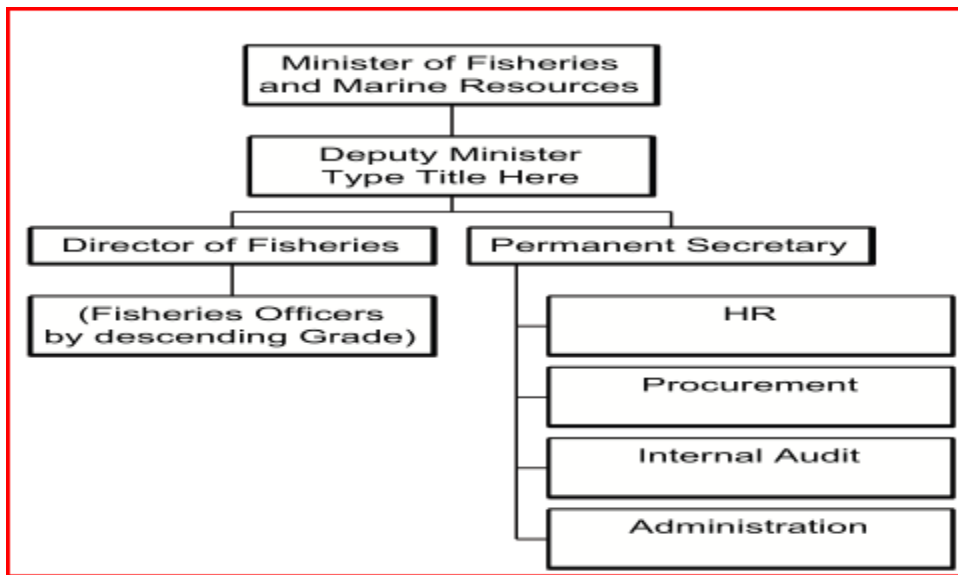
Diagram 3: NEPAD/DFID proposed structure



2011/2012 Existing Structure of the Ministry

10. This structure is presented as the existing Ministry's structure as part of the 2011/2012 Manpower Budget submission. It can be seen that it nearly follows the last proposed 2011 NEPAD recommendations, but without definition of the Technical Units and limited definition of Administration (Financial Management and Records Management are not included, there is repetition in including an 'administration' unit within the Administration, and in the submission a list of staff by grade is included externally to these stated units)

Diagram 4: Ministry's existing structure as submitted in Manpower Budget Proposal



Conclusions and comparison with PSRU re-review proposal on restructuring:

11. While the initial MFR-recommended structure conformed to the Public Sector Reform policy of the day, and with the minor alteration of replacing the proposed Director General with a Permanent Secretary none of the proposals to the Ministry reflect current PSR policy, the Constitutional framework for Ministry reform, or indeed the Ministry determined sector policy context. In terms of establishing a structure for the Ministry that is 'fit for purpose' in leading, coordinating and managing the fisheries sector, **and in achieving strong enough capacity within a reasonable period** to actually implement 6 criteria can be identified that need to be embodied in the design. These are

- Constitutional conformity: As experience in early public sector reform and in other government reforms such as decentralisation shows, reform cannot be implemented if it contradicts the Constitution of Sierra Leone
- Conformity with the Government's broad development policy (the Agenda for Change – A4C): Reform must embrace the principles of stakeholder participation, enabling private sector partnership in delivering public services, managing natural resources, and improving governance
- Conformity with the PSR agenda of Government: The Ministry must follow the general reforms applied across the civil service including:

- i. Principles of separation of policy, regulatory, and service delivery in public agencies
- ii. Human resource, financial, and records management, and procurement reform
- iii. Utilising capacity in the private sector and from other non-state providers
- Alignment with the sector policy in terms of
 - i. Embodying stakeholder participation in fisheries management
 - ii. Focus on conservation and protection of the biological resource
 - iii. Focus on maximising economic benefit
- Conformity with international best practice in separating compliance/ enforcement from other fisheries management functions and an informative, advisory role for Government as opposed to an instructive one
- A pragmatic model for fisheries management given Sierra Leone’s post conflict and poverty context, eschewing ‘Command and Control’ approaches for proven rights-based user-managed models

12. The following table summarises the strengths of the current proposal against the weaknesses of the past proposals against the criteria described above, with Policy Alignment and international best practice considered together:

	PSRU/WB MFR 2012	Existing structure MPB 2011	NEPAD/DFID 2011	EU/SPU 2009	PSRU/DFID MFR 2006
Conformity with broad reform context					
Constitutional conformity	+	-	-	-	+
Conformity with A4C	+	-	-	(partial)	-
PSR Conformity	+	-	-	-	+
Conformity with International best practice in FM and alignment with Fisheries Policy 2010					
Stakeholder management	+	-	-	-	-
Separation of compliance/enforcement	+	-	-	-	-
Informative, advisory Govt role	+	-	-	-	-
Structure and functions embody pragmatic approach to FM in post-conflict, developing context where public sector capacity is lacking					
Utilises external capacity to support Ministry	+	-	-	-	-

13. As described in the body of the report, and in the Annexes B through to G including the Functional Analysis (Annex E), the PSRU/World Bank re-review proposes a structure that establishes a Ministry ‘fit for purpose’ in realising the government and Ministry’s goal of an ecologically sustainable and economically efficient fisheries sector.

Annex VIII: Reconciliation of 2006 MFR Recommendations

1. The 2006 MFR redefined the Ministry's structure based on sound principles of effective and efficient public administration (through the PSRU's broad functional analysis process) but did not benefit from specific technical fisheries policy and fisheries management expertise in the review team. As such, functions were maintained in a centralised regime and the proposed structure reflected this.
2. In contrast, this update to the previous MFR (while it also recognises the PSRU principles on public administration) has taken as its starting point the critical processes of fisheries management and the key functions that are contingent on them. This defines the Ministry as the apex body within a multi-actor and multi-level institutional map, with functions and a structure that are quite different to that set out in the earlier MFR.
3. Despite this however – and despite the five plus years that have passed since Cabinet approval of the 2006 MFR – a surprising number of the 75 recommendations out of the total of 78 that remain to be implemented are still valid either as they stand or in principle. Key areas where recommendations are wholly or in principle valid are:

Wider legal and policy context	Recommendations 1, 2, 3, 4, 5, 9, 13, 14, 17, 20, 21, 78
	<ul style="list-style-type: none"> • Clarification of Sierra Leone's maritime boundaries • Recommendations relating to legal and institutional overlaps and potential conflicts between fisheries and offshore oil and mineral exploitation • Health and safety related recommendations • Creating an enabling environment for fisheries investment
Mobilising external Technical Assistance	Recommendations 19, 20, 22, 23, 26, 27, 29 (partial), 30, 34, 37, 39, 40, 41, 62, 63, 69, 72, 73, 75, 76
	<ul style="list-style-type: none"> • Support to the Ministry's technical and institutional reforms and (valid in principle but not as stated) to sector reform • Capacity building
Outreach and ICE activities	Recommendations 30, 68, 69, 70, 71
	<ul style="list-style-type: none"> • Institutionalising complaints management • Institutionalising engagement with the broad range of stakeholders in the sector and improving openness and transparency to non-state actors
Implementing broad PSR	Recommendations 40, 41, 42, 43, 44, 45, 51, 52, 53, 54, 55, 56, 57, 61
	<ul style="list-style-type: none"> • HR, Financial, Records Management
Addressing gaps in policy/mandate/ structure	Recommendations 5, 6, 7, 11, 15, 16, 18, 35, 36, 37, 38, 39, 76
	<ul style="list-style-type: none"> • Aquaculture and inland fisheries • Recreational fishing • Fish food safety and hygiene

4. The different structure recommended by this updated MFR has an impact on other recommendations from the earlier review, rendering 14 recommendations obsolete or superseded by new recommendations made below. These are recommendations relating to; i) the 2006 proposed structure - recommendations 8, 49, 50, 58, 59, 63, 67; ii) compliance and enforcement - recommendations 48, 67, 77; and iii) functions that are defined as non-core to the Ministry in the updated review - recommendations 28, 29, 31, 36, 76.

Annex IX: List of People Consulted over the MFR Update

Name	Title and Affiliation
Honourable Dr Soccoh Alex Kabia	Minister of MFMR
Dr Julius Sandy	Director Public Sector Reform Unit
Dr Ernest T. Ndomahina	Director Institute of Marine Biology and Oceanography IMBO
Mr Alpha Bangura	Ag. Director of Fisheries
Mr Arnold Hotanga Robbie	Ag. Deputy Director of Fisheries
Mr Tommy D. K. Taylor	Asst Director of Fisheries (Joint Maritime Command)
Mr M. B. U. Cole	Asst Director of Fisheries
Mr K. K. Dabor	Fisheries Officer
Mr Ahmed Abu Kemokai	Permanent Secretary
Mr Mohamed Bushura V. Cole	Asst Director of Fisheries
Mr Sheku S. Sei	Fisheries Officer
Kadijatu Jalloh	Senior Fisheries officer
Mr J.Y. Fofanah	Deputy Financial Secretary(Tax & Revenue)
Alhaji Worroh Jalloh	Ag. Executive Director , Maritime Administration
Mr Hartwell Williams	Maritime Administration
Mr Chrispin Williams	Maritime Administration
Mr Muhamed R Koroma	Corporate Strategy & Administration
Sub Lieutenant A. R. Dumbuya and Team	– Joint Maritime Command, Operational Unit Murray Town