

World Maritime University

The Maritime Commons: Digital Repository of the World Maritime University

World Maritime University Dissertations

Dissertations

10-28-2023

An evaluation of the alignment of Liberian fisheries laws with relevant international legal instruments to combat IUU fishing in the exclusive economic zone and territorial sea

Kla-Edward, II Toomey

Follow this and additional works at: https://commons.wmu.se/all_dissertations



Part of the [International Humanitarian Law Commons](#), and the [International Trade Law Commons](#)

This Dissertation is brought to you courtesy of Maritime Commons. Open Access items may be downloaded for non-commercial, fair use academic purposes. No items may be hosted on another server or web site without express written permission from the World Maritime University. For more information, please contact library@wmu.se.

**AN EVALUATION OF THE ALIGNMENT OF
LIBERIAN FISHERIES LAWS WITH RELEVANT
INTERNATIONAL LEGAL INSTRUMENTS TO
COMBAT IUU FISHING IN THE EXCLUSIVE
ECONOMIC ZONE AND TERRITORIAL SEA**

KLA-EDWARD TOOMEY II


A dissertation submitted to the World Maritime University in partial fulfilment of the requirements for the award of the degree of Master of Science in Maritime Affairs

2023

Declaration

I certify that all the material in this dissertation that is not my own work has been identified, and that no material is included for which a degree has previously been conferred on me.

The contents of this dissertation reflect my own personal views, and are not necessarily endorsed by the University.

(Signature): 

(Date): Tuesday, 26th September 2023
.....

Supervised by: Prof. Dr. Maria Carolina Romero

Supervisor's affiliation: World Maritime University

Acknowledgements

Acknowledgements

To begin with, I would like to express my heartfelt gratitude to God Almighty through whose grace I was privileged to have been awarded a fellowship opportunity by the Sasakawa Peace Foundation to study at the World Maritime University. I believe this would not have been possible without God's intervention.

I am eternally grateful to the Sasakawa Peace Foundation for this life-changing career opportunity, and to the World Maritime University for the invaluable knowledge I have acquired.

To my family who had to cope with nearly fourteen months of my absence for this worthy cause, I am grateful for your patience and moral support.

Finally, I want to express my heartfelt gratitude to my supervisor, Professor Dr. Maria Carolina Romero who was always willing to listen to me and did push me to forge ahead and achieve this feat. Thank you, Professor.

Abstract

Title of Dissertation: **AN EVALUATION OF THE ALIGNMENT OF LIBERIAN FISHERIES LAWS WITH RELEVANT INTERNATIONAL LEGAL INSTRUMENTS TO COMBAT IUU FISHING in the EXCLUSIVE ECONOMIC ZONE AND TERRITORIAL SEA.**

Degree: **Master of Science**

Illegal, Unreported, Unregulated (IUU) fishing is a hot topic in the global community, given its far-reaching consequences. The threats posed to humanity by IUU Fishing include the degradation of the marine environment and the depletion of marine biodiversity. Among other things, persistent IUU Fishing is often attributed to weak legislation, or legislation that does not align with the standards of International Legal Frameworks. In 2016, Liberia was notified by the EU for not doing enough to combat IUU Fishing. Since then, the country has enacted new laws to address the problem, but the yellow card warning of the EU remains in place. In this regard, using doctrinal and comparative legal research methodologies, this study is aimed at evaluating the current fisheries laws of Liberia to ascertain whether or not they align with relevant international fisheries laws to combat IUU Fishing in the Exclusive Economic Zone (EEZ) and Territorial Sea. A comparison is also made between the fisheries laws of Liberia and Belize, to see what lessons Liberia can learn from Belize which was among the first countries sanctioned by the EU for not doing enough to combat IUU Fishing, but was later delisted after undertaking a series of measures, including the enactment of new laws. The study found Liberian Fisheries Laws to be fairly aligned with the following international fisheries laws, specifically focusing on combating IUU fishing in the EEZ and territorial Sea: (UNCLOS), the UNFSA, the PSMA and the FAO-CCRF. The study also found that Liberia could learn from Belize by further strengthening penalties for IUU Fishing.

KEYWORDS: Liberia; Illegal, Unreported, Unregulated Fishing; International Fisheries Laws

Table of Contents

Declaration	i
Acknowledgements	ii
Abstract	iii
Table of Contents	iv
List of Tables	vi
List of Figures	vii
List of Abbreviations	viii
Chapter 1: Introduction	1
1.1 Background and Problem Statement	1
1.2 Research Objectives:	4
1.3 Research Questions:	5
1.4 Methodology:	6
1.5 Research Limitation:	7
1.6 Structure of the Research:	7
Chapter 2: Literature Review	9
2.1 Introduction	9
2.2 International Legal Fisheries Instruments to combat IUU Fishing	9
2.3 A Review of the Selected International Legal Fisheries Instruments and their Relevance to the Study	10
2.4 Research Trend on IUU Fishing in Liberia	13
2.5 The Importance of the Alignment of Domestic Fisheries Laws with International Fisheries Laws	16
Chapter 3: Analysis of the Requirements of the Selected International Legal Frameworks to Combat IUU Fishing	19
3.1 Introduction	19
3.2 The United Nations Convention on the Law of the Sea (UNCLOS), 1982	19
3.3 The FAO Code of Conduct for Responsible Fishing (FAO-CCRF) 1995	21
3.4 The United Nations Fish Stock Agreement (UNFSA) 1995	24
3.5 Port State Measure Agreement (PSMA), 2009	25
Chapter 4: The EU's Fisheries Regulations Relating to its Carding Sanctions	28
4.1 Introduction	28
4.2 Overview of the EU's fisheries regulations relating to its Carding Sanctions	28

4.3 The Extra-territorial Effects of the EU’s Regulations on the Carding Sanctions	29
4.4 Compliance obligations of Member States and third states Under the EU’s Carding Regulations	30
Chapter 5: A Review of the National Fisheries Laws of Liberia and their Comparison with the Fisheries Laws of Belize	32
5.1 Introduction	32
5.2 The National Fisheries and Aquaculture Act of 2017	32
5.3 The Fisheries and Aquaculture Management and Development Law of Liberia, 2019	33
5.4 A Comparison of the Fisheries Laws of Liberia and Belize	37
5.4.1 Similarities	37
5.4.2 Differences	40
Chapter 6: Analysis of Findings	43
6.1 Introduction	43
6.1.1 The Licensing of Fishing Vessels	43
6.1.2 Conservation and Management Programs	43
6.1.3 Regional and International Cooperation to Combat IUU Fishing	44
6.1.4. Monitoring, Control and Surveillance (MCS)	44
6.1.5 Settlement of Disputes and Penalties for Violations	45
6.1.6 Inspection of Vessels	45
6.1.7 Training and Scientific Research	46
6.1.8 Measures to Combat IUU Fishing in Fisheries Ports	46
6.1.9 Prohibitions on Certain Activities Unless Authorized	47
6.2 Implementation of the UNFSA	47
Chapter 7. Summary and Conclusions	47
References	51
Appendices	1

List of Tables

Table 1 Basis of the EU's Sanctions for IUU Fishing.....	13-14
Table 2 Relevant Provisions of UNCLOS to Combat IUU Fishing.....	16-17
Table 3 Relevant Provisions of the CCRF to Combat IUU Fishing	18-20
Table 4 Relevant Provisions of the PSMA to Combat IUU Fishing	21-22
Table 5 Relevant Provisions of Liberia’s Fisheries and Aquaculture Development Law of 2019 to Combat IUU Fishing	27-29
Table 6 Extension of Table 5.....	30

List of Figures

Time Table of International Legal Frameworks to Combat IUU Fishing	8
--	---

List of Abbreviations

AIS	Automated Identification System
AU	African Union
CA	Compliance Agreement
CFP	Common Fishery Policy
CCRF	Code of Conduct for Responsible Fishing
DWF	Distant Water Fleet
EEZ	Exclusive Economic Zone
EU	European Union
EC	European Council
FAO	Food and Agriculture Organization
GoG	Gulf of Guinea
IMO	International Maritime Organization
IUU	Illegal Unreported Unregulated
IPOA-IUU	International Plan of Action to Deter, Prevent, and Eliminate Illegal Unreported Unregulated Fishing
LME	Large Marine Ecosystem
NaFAA	National Fisheries and Aquaculture Authority of Liberia
PSMA	Port State Measures Agreement
RFMOs	Regional Fisheries Management Organization
SDGs	Sustainable Development Goals
UNFSA	United Nations Fish Stock Agreement
UNCTAD	United Nations Conference on Trade and Development
UNCLOS	United Nations Convention on the Law of the Sea
VCDS	Voluntary Catch Documentation Scheme
VG-CDS	Voluntary Guidelines for Catch Documentation Scheme
VG-MFG	Voluntary Guidelines for Marking Fishing Gears
VMS	Vessel Monitoring System

Chapter 1: Introduction

1.1 Background and Problem Statement

The oceans make up at least 70% of the surface of the earth, thereby constituting an indispensable resource for the survival of humanity. The benefits of the oceans to the global human population are enormous; they range from socioeconomic, to cultural and scientific purposes (Teneva et al., 2022). For instance, the total number of people said to be relying on fish for food and nutrition is three billion, and about one billion people around the world get their protein primarily from fish (FAO, 2016; Petrossian, 2018). Accordingly, the sustainable management and usage of the global oceans is one of the top priorities of the global community.

Despite the invaluable goods and services that it provides for humanity, the oceans continue to be threatened by among other things, anthropogenic activities, resulting to the contamination of the aquatic environment and undermining the opportunity to fully maximize its natural endowments. One of the many anthropogenic activities disturbing the oceans and the global marine ecosystem is Illegal Unregulated and Unreported (IUU) Fishing. An estimated 11–26 million tons, or about 25% of the annual total fish caught worldwide is lost to IUU fishing, costing the global fishing industry between 11 and 24 billion dollars. IUU fishing is responsible for the loss of 108,000 pounds of wild-caught fish per minute (Petrossian, 2018).

FAO (2001) defines IUU Fishing under Chapter II of the International Plan of Action to Deter, Prevent and Eliminate IUU Fishing (IPOA-IUU), where "IUU Fishing" means illegal, unreported, and unregulated (IUU) fishing. By this, all trawling that violates fisheries regulations or takes place outside their purview is considered IUU fishing. Illegal trawling, which typically refers to fishing without any authorization, trawling in a restricted area, using banned equipment, overreaching a quota, or trawling for protected species, is a significant component of IUU fishing.

Although IUU Fishing poses a challenge to nearly all nations across the world, its pervasiveness and impacts are rather worse in certain regions of the world that are mainly clustered around developing countries. One such regions is the Gulf of Guinea (GoG). Fisheries account for a very important part of the revenue of many GoG nations, particularly on the West African side of the region. In this region, over 9 million people depend on the fishing industry for a living and it is projected that 40% of the population lives along the coasts. These countries heavily rely on the sector as a source of revenue (African Union, 2016). However, most countries in the region face the worst cases of IUU Fishing in the world, which makes it difficult to fully maximize the benefits of their fisheries industries. Illegal fishing in countries along the coastline of West Africa results in losses of about 1.5 billion dollars annually (German Institute for International and Security Affairs, 2014).

The GoG region is made up of the following West and Central African nations: Angola, Benin, Cameroon, Cote d'Ivoire, Democratic Republic of the Congo (DRC), Equatorial Guinea, Gabon, Gambia, Ghana, Guinea-Bissau, Liberia, Nigeria, Republic of the Congo, Republic of Guinea, Sao Tome and Principe, Senegal, Sierra Leone, and Togo (Okafor-Yarwood, 2015). Over the last decade, some countries in this region have either been warned or sanctioned by the European Union (EU) for not taking sufficient actions to combat IUU Fishing, despite their ratification or accession to several international legal instruments to combat illegal fishing. In 2012, the EU notified Guinea with its yellow card as a warning for not doing enough to combat IUU Fishing in its fisheries waters. Due to Guinea's failure to reduce IUU Fishing even after it was yellow carded, the country was sanctioned with a red card in 2013; thereby banning its fisheries products from entering the EU market. After Guinea passed a new fisheries law and took some positive steps towards addressing the problem, the ban was lifted in 2016. Additionally, on May 23, 2016, the EU yellow carded Liberia as a result of its neglect to take enough measures to tackle IUU Fishing. Other nations in the area, such as Sierra Leone and Guinea Bissau, were also previously notified for failing to address IUU Fishing (Okafor-Yarwood, 2015). The world's highest rate of

IUU fishing, totalling about 40% of overall fish harvest per year, occurs in the West African region (Lopez-Lucia, 2015).

Liberia is a very important stakeholder in the international community, including being one of the founding members of the United Nations (UN) and the International Maritime Organization (IMO). The country currently has the world's largest ship registry (SeatradeMaritime, 2023). Despite its international maritime profile, Liberia is still faced with the yellow card warning of the EU for its failure to adequately tackle IUU Fishing. Liberia is unable to fully maximize the social and economic dividends of its marine resources due to the effects of IUU Fishing. The country has been in negotiations with the EU to lift the ban (Scherer, 2020), but so far, such effort has yielded no fruitful results.

Despite its huge natural resource endowment, Liberia remains among the poorest countries in the world. Around 10% of Liberia's GDP is generated from fishing activities (Jueseah et al., 2020), a projection that would be far higher void of IUU Fishing. In contrast to its average yearly output of 123 tonnes of fish, Liberia purchased an average of 33,116 tonnes of fish per year between 2014 and 2020 (NaFAA, 2020). This deficit in fishery trade does not account for a shortage in Liberia's fish stock. It is rather, among other things, due to IUU Fishing. For instance, tuna vessels reportedly collected 15, 219 tons of catch in the waters of Liberia in 2020; but partly due to the absence of harbour facilities, these ships could not dock their harvest in the country (Wuor & Mabon, 2022). This trend shows that Liberia is not fully maximizing the benefits of its marine resources. The 5,113 tons of industrial trawlers' output and 18,086 tons of artisanal fisheries' output in 2020 as reported by NaFAA, (2020), would have been by far a greater quantity if sustainable fishery measures were put in place, including those to tackle and eradicate IUU Fishing.

Some of the international legal instruments to combat IUU Fishing that Liberia has ratified are, the United Nations Convention on the Law of the Seas (UNCLOS),

acclaimed as a landmark international legal framework governing the oceans, the Port State Measures Agreement (PSMA), and the Code of Conduct for Responsible Fishing (FAO-CCRF). UNCLOS mandates State parties to enact laws and procedures for sustainably managing their marine ecosystems and resources (UNCLOS, 1982: art. 61 (e)). Consistent with the principles of “Pacta Sunt Servanda”, one of the historical rules of international law (Vietnam Convention on the Law of Treatise, 1969: art. 26), Liberia is legally obliged to implement, in good faith, all the international and regional legal instruments it has become a party to.

Over the last decade, Liberia has taken steps towards an improved governance of its marine ecosystem and resources in fulfilment of its obligations under the international instruments it has ratified. These steps include the enactment of new laws for sustainable fisheries management. In 2017, Title 23, of the Natural Resources Law of Liberia, Liberia Codes of Law Revised was amended by cancelling Subchapter B, on Fish Resources, and Title 30, Public Authorities Law, to create the National Fisheries and Aquaculture Authority (NaFFA). Moreover, in 2019, the Liberian Legislature amended the National Fisheries and Aquaculture Authority Law to add to it the Fisheries Management and Development Division, thereby further strengthening NaFFA’s ability to regulate the country’s fisheries sector. By this latter amendment, the authority is vested in NaFFA to carve regulations for fisheries and aquaculture management (FAO, 2019). Amid the foregoing measures to tackle and eradicate IUU Fishing in Liberia, the country has yet to eradicate the menace, evidenced by the EU maintaining its yellow card warning to the country.

1.2 Research Objectives:

This research seeks to evaluate and determine whether or not Liberian Fisheries Laws to fight IUU Fishing in its Exclusive Economic Zone (EEZ) and territorial sea are in alignment with the four international legal instruments to prevent and eradicate IUU Fishing that are selected in this study. This will establish whether or not weak legislation is a contributing factor to persistent IUU Fishing in Liberia’s fisheries

waters despite the efforts it has exerted to eradicate the problem. The objectives of this study are summarized as follows:

- i. To determine the governing international legal frameworks to prevent, deter and eradicate IUU Fishing in Liberia's EEZ and territorial seas.
- ii. To evaluate the existing fisheries laws of Liberia with the goal of determining whether they are in alignment with the requirements of the international fisheries laws to eradicate IUU Fishing in the EEZ and territorial sea that are covered in this study.
- iii. To undertake a comparative analysis of Liberia's Fisheries Laws with the fisheries laws of Belize, which was once yellow carded and subsequently red carded by the EU, but is now clear of the sanctions after taking a series of steps, including passing a new law. The goal is to see what lessons Liberia could learn from Belize to combat IUU Fishing in its EEZ and territorial sea.

1.3 Research Questions:

To achieve the research objectives, the following questions have been designed to inform the analysis and conclusions that will follow:

1. What are the controlling international laws to prevent, deter and eradicate IUU Fishing in the EEZ and Territorial seas?
2. Are the current Liberian Laws to tackle and eradicate IUU Fishing in the EEZ and territorial sea in alignment with the four international fisheries laws covered in this research?

3. What are the similarities and differences between the fisheries laws of Liberia and Belize to combat IUU Fishing in the EEZ and territorial sea, and what lessons could Liberia learn from Belize?

1.4 Methodology:

This study is carried out by way of legal research and employs two legal research methodologies: the Doctrinal and the Comparative Legal Research Methodologies. Legal research is by and large the process of studying the laws to arrive at answers to legal research questions. The doctrinal legal research method is applied in this work as an approach to ascertaining which legal instruments and doctrines govern, or are applicable to the research objectives that seek to ascertain the international laws applicable to IUU Fishing in Liberia's EEZ and territorial sea. Doctrinal Legal research as defined by Abugu (2021), is a legal study geared towards locating a law that governs a particular subject matter, carefully examining it, and framing a rationale for it.

The next step of the study employs a comparative legal research method. Comparative legal research compares legal concepts, laws, and different countries' laws. It places emphasis on the cultural and social nature of law and how it functions in different contexts. According to Abugu (2021), this method is relevant in creating, revising, and changing the law. The comparative legal research method takes a two-pronged approach. It is firstly used to compare the requirements of the selected international fisheries laws covered in this study with the fisheries laws of Liberia to ascertain whether or not they are aligned, and is also used to compare the fisheries laws of Liberia and Belize to ascertain their similarities and differences, and discover lessons that Liberia could learn from Belize to strengthen its fisheries laws.

Belize serves a convenient purpose for comparison with Liberia, given that it is one of the first countries that was sanctioned by the EU for IUU Fishing, for among other things, having weak fisheries legislation. However, following a series of actions,

including the enactment of new laws, the country is now declared free of the sanctions (OCEANA BELIZE, 2014). Although Sierra Leone, Guinea, Ghana and Togo share the GoG region with Liberia, and would have seemingly been fit subjects for comparison in this study, different factors make these countries unsuitable for this purpose. Like Liberia, Ghana and Sierra Leone are still faced with the EU's yellow card warning, while Guinea and Liberia share neither the same legal systems, nor the same language to enable adequate comparison of their laws. Guinea is a francophone and Civil Law country, whereas Liberia is anglophone and common law. Moreover, Belize and Liberia share similar characteristics in terms of marine biodiversity.

The data to be analysed in this study include primary and secondary sources of both international and domestic laws. The major international fisheries laws would be acquired from international data bases of credible international organizations such as the United Nations (UN) and Food and Agriculture Organization (FAO). The domestic laws of Liberia and Belize will also be obtained from both international and domestic data bases. The FAO's profile of member states is a relevant source in this regard. Secondary data would also be obtained from international and domestic data bases, and credible academic sources.

1.5 Research Limitation:

This research deals with four selected international fisheries laws; three selected binding laws (UNCLOS, UNFSA and the PSMA), and one soft law (the FAO-CCRF). It does not cover the fisheries regulations of Belize and Liberia. It covers only the legislations. The research looks at IUU Fishing only in the EEZ and territorial seas.

1.6 Structure of the Research:

This study is structured into six chapters. The first chapter is the introduction; it covers the background and problem statement, research objectives, research questions, research methodology, and research limitations. Chapter two deals with the Literature Review. Chapter three is a review of the requirements of the selected international

legal frameworks to combat IUU Fishing in the EEZ and territorial sea. Chapter four deals with the EU's Regulations Regarding its Carding Sanctions for IUU Fishing and their Extra-territorial Effects. Chapter five deals with a review of the fisheries laws of Liberia and their comparison with the fisheries laws of Belize. Chapter six covers an analysis of findings. Finally, chapter 7 provides the summary and conclusion of the study.

Chapter 2: Literature Review

2.1 Introduction

There is an ever-increasing volume of scholarly research about the ocean and its marine environment and biodiversity, due to its invaluable significance to humanity. According to a study done by Liu et al. (2023) utilizing bibliometric analysis of 4450 journal articles published between 1990 and 2022, the current research push and level of sustainable development of fisheries took off quickly around 2002. This chapter seeks to tap into this huge body of scholarly work by utilizing literature that is particularly relevant to this study. The chapter contains four sections. Section one looks at the governing international legal instruments to combat IUU Fishing. Section two discusses the selected international instruments covering this work and their relevance to the study. Section three focuses on the research trend on IUU Fishing in Liberia, and Section four focuses on the importance of aligning domestic fisheries laws with international fisheries laws.

2.2 International Legal Fisheries Instruments to combat IUU Fishing

According to Hey (2001), the growing trend of the adoption and synchronization of international legal instruments for ocean governance gained momentum throughout the 1990s after a spike in new problems of ocean governance that are not substantially addressed by UNCLOS, including IUU Fishing. The international legal instruments to combat IUU Fishing are classified as both hard and soft law instruments. Zhu and Tang (2023) define soft law instruments as a set of legal principles, guidelines, policies, and systems that govern interstate interactions and can take the form of an international treaty or international customary law; rules of conduct that, in theory, are not legally binding but may still have an impact in practice. Given their binding nature, hard law instruments are often deemed more legally weighty compared to soft law instruments. However, the two are not clearly opposed to one another. Instead, according to Shelton (2006), they interact dynamically and depend on one another. Boyle (2019) asserts that soft laws can be used in addition to, as an alternative to, or even as a development of

hard law, and that it is improbable that contemporary treaty systems or international organizations like the UN, could operate effectively without the use of soft law.

According to FAO (2023a), the major international legal instruments to combat IUU Fishing are the United Nations Convention on the Laws of the Seas (UNCLOS); the FAO Compliance Agreement (CA); the United Nations Fish Stock Agreement (UNFSA); the FAO Code of Conduct for Responsible Fisheries (FAO-CCRF); the International Plan of Action to Prevent, Deter and Eliminate IUU Fishing (IPOA-IUU); the Rome Declaration; the Agreement on Port State Measures (PSMA); the Voluntary Guidelines for Flag State Performance (VG-FSP); the Voluntary Guidelines for Catch Documentation Schemes (VG-CDS); and the FAO Voluntary Guidelines on Marking Fishing Gear (VG-MFG). Figure 1 reflects the timeline of the adoption of these instruments:

Figure 1: Timetable of International Legal Frameworks to Combat IUU Fishing.



Note: from FAO: <https://rb.gy/pw5wt>

Copyright by FAO, 2023

2.3 A Review of the Selected International Legal Fisheries Instruments and their Relevance to the Study

Concerns about the effectiveness of soft law instruments often come about when they are compared to hard law instruments. These concerns were discussed in a study by Woodlock and Hydén (2020), who described soft law as a tool of flexibility that links

the gap between formal and informal rules. Additionally, as propounded by Shelton (2006), and supported by Boyle (2019), soft law instruments compliment hard law instruments and should not be viewed in either/or terms; they enhance and supplement treaties while also offering diverse perspectives on how the legal effect of different treaties can be understood and applied. Soft laws, therefore, form an integral part of international treaty making and cannot be treated in a totally mutually exclusive way. For instance, Bethel et al. (2021) indicates that although the PSMA is a hard law instrument, while the IPOA-IUU is not, the PSMA assumed the voluntary illustration of IUU Fishing activities provided in Part II of the IPOA-IUU (Agreement on Port State Measures, 2009: Part I, art. 1 (e)). This interconnectedness of soft and hard laws shows why both are important for a comprehensive and fair analysis of a given legal issue with international dimensions, as is the case with IUU fishing.

The three hard law instruments considered in this work are UNCLOS, the UNFSA and the PSMA; while the CCRF, which is a major fishery tool of the FAO, is selected as a soft law instrument to complete the study more comprehensively. The United Nations (2012) presents UNCLOS as an all-inclusive international convention for law and order in the global oceans and seas that establishes rules for all uses of the oceans' living and non-living resources. Widely acclaimed as the constitution of the oceans, UNCLOS is indispensable to an objective analysis of international legal instruments covering activities related to ocean governance, such as IUU Fishing. Its scope ranges from setting up demarcations of the oceans with reference to areas of state sovereignty and sovereign rights, to the obligations of states in ensuring the sustainable use of marine resources (United Nations Convention on the Law of the Sea, 1982: art. 57, 192 & 193). Additionally, beyond introducing new legal principles and regimes as well as tackling new issues, the convention combines customary laws and the existing rules for the usage of the oceans into a unified volume of law and currently has 157 signatories, and 169 parties (United Nations, 2023). This reflects the significance of UNCLOS on ocean governance.

The second hard law instrument highlighted in this study is the UNFSA. Among other things, it establishes comprehensive minimum universal standards for the protection and conservation of straddling and highly migratory fish stocks. According to the United Nations (2016), the UNFSA seeks to ensure that actions are taken for the conservation and management of straddling and highly migratory fish stocks in areas under national jurisdiction and in the adjacent high seas, and that states should ensure that these actions are compatible and coherent, and foster good order in the oceans through the effective management and conservation of high seas resources. To achieve its objectives, the agreement puts emphasis on regional cooperation among countries against the backdrop of Regional Fisheries Management Organizations (RFMOS). Rosello (2017) describes the instrument as having a detailed and comprehensive framework for cooperation, while Blasiak and Yagi (2016) see it as an instrument for decentralizing fisheries administration.

The PSMA is the third hard law instrument governing IUU Fishing that is covered in this work. According to Bethel et al. (2021), it is recorded as the first legally binding international agreement specifically on IUU fishing; it aims to use collaboration and information sharing to address the problem of IUU fishing. The PSMA is further relevant to research on IUU Fishing given that, while UNCLOS is very emphatic about Flag State jurisdictions and obligations over the oceans and its resources as enshrined in its article 94 (1), no authoritative reference is made to port state obligations. As pointed out by Honniball (2019), the phrase "may" rather than "must" or "shall" in Article 218(1) of UNCLOS, which deals with protecting the marine environment, presents a choice rather than an obligation for port States to conduct inquiries when a vessel enters their port willingly. This existing gap in UNCLOS with respect to obligations of port state to tackle IUU Fishing, is adequately addressed by the PSMA.

The CCRF was adopted in 1995 by 170 member states of the FAO (UN) (Cricke (2014). The global endorsement of the CCRF indicates the very significant role it plays in fisheries management, especially considering that the EU which served its yellow

card warning on Liberia and other countries for not doing enough to adequately tackle IUU fishing, is a party to the code. According to Friedrich (2008), the code has now been adopted by all 189 FAO member states and the EU. Although the Code is non-binding in nature, it incorporates a number of rules and voluntary requirements of best practices in ocean governance, including those found in UNCLOS, the Compliance Agreement (CA), and the United Nations Fish Stocks Agreement (UNFSA). According to Hosch et al., (2011), it is the first global framework of its kind created specifically for fisheries, and outlines rules and standards pertinent to the protection, management, and development of all fisheries with the overarching goal of promoting the rational and sustainable development and harvesting of the world's fisheries.

Since binding international fisheries instruments to combat IUU fishing already exist, the question may arise as to the relevance of the CCRF. It is worth noting that while UNLCLOS, the first binding legal instrument in this study sets generally obligatory responsibilities, as noted by Marciniak (2017), it scarcely includes specific components of sustainable usage of the oceans and their resources. In contrast, Article 1(3) of the CCRF does not only complement UNCLOS and the PSMA, it comprehensively covers all activities related to fisheries, ranging from conservation to management, and trade in fish products. It is the only fisheries instrument that integrates all actors of the fisheries sector. This reflects a significant gap filled by the CCRF for which it is considered in this research.

2.4 Research Trend on IUU Fishing in Liberia

Like other GoG countries, Liberia is confronted with challenges in tackling IUU Fishing. According to the Global Initiative Against Transnational Crimes (2021), between 2019-2021, Liberia made progress on the Global IUU Fishing Index, ranking 16th out of 152 countries in the world, and 6th out of 38 African Countries in terms of IUU Fishing vulnerabilities. This rank puts Liberia 7th places better than its 2019 index. The average score of Liberia on all 40 indicators is 2.59, putting the country almost at the middle ground of not being among the worst or best performing countries.

While this progress is noteworthy, it certainly does not reflect where the country ought to be with fighting IUU fishing.

Various issues in fisheries management contribute to the EU's carding sanctions for IUU fishing, including weak national laws (European Court of Auditors, 2022). Some studies have been conducted on the subject of IUU Fishing in Liberia, covering different facets of the problem, including those critiquing the fisheries laws of Liberia as being weak. In their study about fisheries management in Liberia, Wuor and Mabon (2022) discussed in great detail the skills, knowledge, and infrastructure issues that must be resolved in addition to the country's current fisheries laws and policies. Although their study makes reference to trends in the development of Liberian Fisheries Laws and the expertise or training, and infrastructural problems the country must address to enhance sustainable fisheries management, including the lack of ports and facilities for research and data collection to inform fisheries decisions, the study does not present a clear comparison or analysis of the fisheries laws of Liberia per the standards of relevant international legal fisheries instruments. The study also does not pinpoint the deficiencies in the law. The authors, however, proposed the strengthening of existing Liberian Fisheries Laws. Since the main emphasis of their study is on knowledge and infrastructural gaps, one could infer that the authors could be making reference to the areas of the law pertaining to the knowledge and infrastructure required to manage the fisheries sector. However, a proposal for the strengthening of the laws that is not informed by a comprehensive evaluation of existing laws and regulations to see whether they are in alignment with relevant international fisheries laws is seemingly an act of conjecturing.

For his part, Okafor-Yarwood (2019) attributes the problem of persistent IUU Fishing in Liberia to government's ignorance of its maritime domain, which he believes is mirrored in deficiencies in human resources and insufficient financial investment to address maritime security issues, as well as the failure of states to work together in the region, rendering ongoing surveillance programs ineffective. The study further cites

maritime corruption as part of the problem responsible for persistent illegal fishing in the GoG region where Liberia is situated. Like Wuo and Marbon (2022), Okafor-Yarwood (2019) further suggests implicitly that there are problems with the efficiency of the fisheries laws of Liberia, but this assessment is not borne out of a study evaluating the laws. Glassco (2017) discusses the problem of persistent IUU Fishing in Liberia with particular emphasis on the challenges it causes offshore. Glassco's assessment of the problem is based on a global review and analysis of best fisheries practices. Like Wuor and Mabon (2022), Glassco attributes incidence of persistent IUU Fishing in Liberia to among other things, ineffective trade policy and guidelines, poor governance, weak enforcement of laws, lack of scientific data, and human resources. The Glassco research also mentions the problem of weaknesses in the fisheries regulations of Liberia, but provides no specificities of such weaknesses. What is particularly noteworthy in all these studies is that they did not seek to evaluate the laws of Liberia in comparison with relevant international legal fisheries instruments to ascertain whether or not they are in alignment.

Amid these critical assessments of Liberia's fight against IUU Fishing, the progress that the country has made in addressing the problem since the imposition of the EU's warning has also been acknowledged in some scholarly works. While Belhabib et al. (2016) highlight some of the existing problems of IUU Fishing in Liberia, including under-reporting of catch and lack of monitoring capabilities, their study acknowledges that Liberia continues to be one of few African nations that shows noticeable progress in both reducing conflict between subsistence and large-scale fishing, and addressing illegal fishing operations.

The extent of IUU Fishing in Liberia is also fairly documented in existing literature, with some attributing the problem to weak legislation, but there is scarce research focused on evaluating the laws of the country to ascertain whether or not they are aligned with the relevant international legal fisheries instruments that set global standards for sustainable fishing practices, especially those conventions or agreements

that Liberia has ratified. Like Belhabib et al. (2016), most of the studies on incidence of IUU Fishing in Liberia have been focused on the causes and effects of the problem. Other studies like Jueseah et al. (2020) have focused on the economic benefits of Liberia's fisheries industry which they believe contributes immensely to the country's economy. More recently, there was a noticeable effort to evaluate the fisheries laws of Liberia in a report titled, 'Legal Report on the Ecosystem Approach to Fisheries in Liberia' (FAO, 2023b). The report concluded that Liberia's fisheries laws are fairly aligned with international legal instruments relating to the Ecosystem Approach to Fisheries (EAF), yet recommended improvements for stronger alignment. However, it is worth noting that this report neither expressly relates to the topic of IUU Fishing, nor completely touches on the controlling laws to combat IUU Fishing. Judging from its self-explanatory caption, the report is focused only on EAF.

2.5 The Importance of the Alignment of Domestic Fisheries Laws with International Fisheries Laws

Liberia is a state party to several international institutions with interests in sustainable fisheries management, including the FAO. The FAO has competence over international fisheries issues and sets standards to regulate fisheries practices to ensure sustainability (Fitzmaurice et al., 2018). The FAO has established laws and guidelines to ensure uniformed practices in the sustainable management of fisheries across the world. As a state party to the FAO and its fisheries laws, including all the selected laws covering this research, Liberia has a duty to ensure that its fisheries laws and practices are aligned with these international laws. As noted by Swan (2012), laws controlling the fishing industry, like laws controlling any other subject, are founded on international agreements to carry out decisions made by organizations to which a nation is a party. Swan argues that in light of the transient nature of fisheries resources and the pressing need for regional and global collaboration in managing fisheries and ecosystems, a clear, consistent, and aligned legal framework is essential for every country. Swan did suggest, though, that the process of harmonizing or aligning fisheries legislations cannot be completed in a day, or even in a year. Swan further

points out that the goal of determining if two or more laws are aligned is not to determine whether they are identical or to make them identical, but rather to make them compatible to the greatest extent possible.

Liberia works in partnership with the EU on fisheries matters and is held accountable to its standards. This is clearly demonstrated by the fact that Liberia and several other countries are challenged with the extra-territorial effects of the EU’s fisheries laws. According to European Union (2016), the EU provides financial and other forms of support to Liberia’s fisheries programs. Thus, the EU expects third countries like Liberia, with whom it has partnership and provides support, to have effective laws to combat IUU Fishing. As indicated in a report of the European Court of Auditors (2022), the main shortcomings identified in countries carded by the EU for IUU fishing are provided in Table 1:

Table 1. Basis of the EU’s Sanctions for IUU Fishing

National Framework	National legal framework not in line with international obligations.
	No national Action Plan on IUU Fishing.
	No comprehensive and effective sanctioning system.
	No provisions for the control of nationals in legislation.
Regional and Multilateral Cooperation	No ratification of key international instruments.
	No compliance with RFMO Rules
	Presence of vessels on illegal fishing list.
Fisheries Management and Conservation	Lack of rigorous monitoring control and surveillance system.
	Shortcomings in vessels registration, licensing, and authorizations (Flag of convenience).
	Lack of transposition compliance and/ or implementation of conservation and management measures.
Catch Certification Scheme and Traceability	Inefficient controls and verifications before validating catch certificates and processing statements.
	Unreliable traceability procedures

Note: from ECA (<https://t.ly/k7qMV>) Copyright 2022, by European Union

As clearly seen in Table 1, the lack of alignment between national fisheries legislations and international fisheries laws constitutes one of the reasons for the EU's sanction scheme. In this regard, an evaluation of the laws of Liberia to ascertain whether they align with relevant international fisheries laws that seek to prevent, deter and eradicate IUU Trawling, would determine whether or not weaknesses in fisheries legislation still count as a factor responsible for incidence of IUU Fishing in the country, particularly in the EEZ and territorial sea.

Chapter 3: Analysis of the Requirements of the Selected International Legal Frameworks to Combat IUU Fishing

3.1 Introduction

Unlike the three international fisheries instruments covered in this study, the excluded ones either do not fall in the scope of this research, or their exclusion does not defeat the purpose of the study by reason of pertinence. For instance, while this work deals with IUU Trawling in the EEZ and territorial sea of Liberia, the FAO Compliance Agreement deals with fisheries issues in the areas beyond national jurisdiction, as indicated in its article II, paragraph 1 (FAO, 1993). The IPOA-IUU is a plan of action. According to Blasiak and Yagi (2016), the IPOA-IUU consolidates the rights and obligations of States in their capacity as flag, coastal, and port States that are outlined in various legally binding documents such as UNCLOS, the CA and the CCRF. Since the laws consolidated by the IPOA-IUU are already covered in the instruments selected for this study, including it would be redundant. The VGDSF is a guideline. It consolidates flag state obligations already captured in the selected legal instruments. The VGCDS is also a voluntary guideline. It is a trade-related measure to combat IUU Fishing that does not have much bearing on this study. When combined, the three international binding instruments (UNCLOS, UNFSA and the PSMA) will not provide a complete reflection of the requirements to fight IUU Fishing in the EEZ and territorial seas. Accordingly, when added to these three mandatory international fisheries instruments, the CCRF serves the purpose of filling the gap in terms of what is legally required of all countries, particularly FAO members states, to combat IUU Fishing.

3.2 The United Nations Convention on the Law of the Sea (UNCLOS), 1982

In 1982, UNCLOS was adopted to synchronize and bring up-to-date previous laws, including customary laws and conventions regulating the use of the oceans, and is

widely regarded as the constitution of the oceans. The basic rights and obligations of states to address IUU Fishing as provided in UNCLOS are outlined in Table 2:

Table 2. Relevant Provisions of UNCLOS to IUU Fishing

UNCLOS		
State Level	Relevant Provisions	Rights and Obligations
Flag State	Article 94	<u>Effective Exercise of Jurisdiction Over Vessels</u> Flag States are obligated to maintain exhaustive and accurate records relating to vessels flying their flags and exercise effective authority over such vessels, including over technical and social matters. Before registration, a vessel must be inspected to ensure that its construction, equipment, manning, labor conditions, signals, etcetera are sea worthy.
	Article 91 par. 1	<u>Maintaining Genuine Link</u> Achieving the actions above is geared towards meeting the genuine link requirement that flag states must have over its vessels.
	Article 217	<u>Enforcement and Institution of Adequate Penalties</u> Flag State measures should include restricting vessels from going to sea until they are in compliance with all measures, and investigate violations in collaboration with other states where applicable and promptly inform such other states of actions taken for violation. Penalties should be adequate.
Coastal State	Part V Art. 56 par 1 (a)	<u>Areas of Sovereignty</u> This refers to the territorial seas and internal waters.
	Part V, art. 56 Par 1 (a)	<u>Area of Sovereign Rights</u> Sovereign rights to explore, conserve, manage and exploit living resources within their EEZ, which is 200 nautical miles from the baseline of the territorial sea.
	Part V, art. 61 (2) & 2,	<u>Conservation, Management and Sustainability</u> While maximizing the resources in its fisheries waters, coastal states should ensure effective conservation measures are put in place to promote sustainability through the use of the best scientific evidences.

	Part V, Art. 62 par. 1-4	<u>Licensing and Control of Fishing Vessels and Activities</u> In permitting fishing operations in their EEZs, coastal states should ensure that conservation and sustainability measures are enforced. Authorization and control measures should include licensing of vessels, equipment, regulating the catch of species, regulating research activities, and placing of observers onboard vessels, landing of catch in the port of coastal state; education of personnel and exchange of technology, regulations relating to joint ventures.
	Part V Art. 62 par. (5) And Art. 73	<u>Adoption, Notice and Enforcement of Conservation Laws</u> Adopt and give notice of conservation and management laws. Legislations should include inspection aboard, arrest and judicial proceedings and the imposition of penalties that do not include imprisonment. There should be a remedy for a prompt release of vessel and crew upon the posting of a bond. A flag state should be notified in the event of the arrest of a vessel.
Port State	Art. 218	<u>Adoption and Enforcement of Compliance Measures</u> Port states have a duty to take measures to guarantee that vessels within its ports or off-shore terminal observe and follow international laws on conservation, management and sustainability. This should include instituting proceedings to investigate and punish suspected violation in cooperation with the flag state and or affected coastal state.
All States	Art. 192 & 193	States have the obligation to preserve the marine environment while exercising their sovereign rights to exploit natural resources.

3.3 The FAO Code of Conduct for Responsible Fishing (FAO-CCRF) 1995

The FAO-CCRF sets out uniform universal codes and practices for responsible fishing, underpinned by the objectives of conservation and sustainability in managing and developing marine resources with due regard to protecting the oceanic ecosystem and its biodiversity. Although it is a voluntary instrument, the CCRF draws inspiration from international binding fisheries instruments like UNCLOS and the Compliance

Agreement (United Nations, 2019). The foremost rights and responsibilities of coastal states to combat IUU fishing in the EEZ and territorial seas as provided by the CCRF are summarized in Table 3:

Table 3. Relevant Provisions of the CCRF to Tackle IUU Fishing

CCRF		
Levels	Provisions on Combating IUU Fishing	Minimum Standards for Fishing and State Obligations
Flag State	Article 8 Subsection 8.2 Par. 8.2.1-8.2.4	<u>Registration and the Exercise of Jurisdiction Over Vessels</u> Flag states must ensure that no vessel under its flagship engages in fishing activities unless it is registered, certificated, marked consistent with international guidelines and properly recorded.
	Article 8 Subsection 8.2 Par. 8.2.5- 8.2.6	<u>Compliance with Int’l Safety, & Conservation Measures</u> Flag states should ensure that its registered vessels comply with international safety and conservation measures.
	Article 8 Subsection 8.2 Par. 8.2.5- 8.2.7	<u>Sanctions for Violation and Enforcement Measures</u> Flag States should institute adequate penalties for violation of conservation and safety measures, possibly depriving offenders of the benefits of such activities.
	Article 8 Subsection 8.2 Par. 8.2.8-8.2.10	<u>Insurance of Vessels and Exchange of Information</u> A state of nationality of any vessel should ensure that vessels flying its flag are adequately insured and crew members are repatriated consistent with the convention on the Repatriation of Seafarers (revised) 1987, (No. 166) and provide details to the state of crew members in case of accident.
Coastal State	Article 10	<u>Integrating Fisheries into Coastal Area Management</u> States should adopt legal and institutional frameworks to ensure the sustainable and integrated use of marine resources in consultation with all stakeholders and use of regional mechanism.
	Article 8	<u>Construction and Safety of Harbors and Landing Places</u>

	Subsection 8.9 par. 8.9.1- 8.9.2	States should ensure that landing places of vessels are safe and include adequate facilities for vendors and buyers and fresh water supply; waste disposal system; and measures against pollution.
Port State	Article 8 Subsection 8.3 par. 8.3.1- 8.3.2	<u>Establishing of Laws and Cooperating with Other States</u> Port state should adopt legislations to give effect to the code and cooperate with other states, including Flag States to realize the foremost objectives of the code.
All States	Article 7 Subsection 7.1 par. 7.1.1- 7.1.3	<u>Conservation and Management Measures</u> States should institute suitable guidelines, legal and institutional frameworks for long-term conservation, management and sustainable use of fisheries resources at all levels, including local, regional and international, and seek to involve all relevant parties.
	Article 7 Subsection 7.1 par. 7.1.4- 7.1.6	<u>Cooperating through RFMOS for Fisheries Management</u> States should cooperate through RFMOS to institute and enforce conservation and management measures in line with international laws and agreements; bringing on board Stakeholders of governmental and non-governmental organizations involved in fisheries management.
	Article 7 Subsection 7.1 par. 7.1.7	<u>MCS & Enforcement Measures</u> States are required to institute effective MCS measures to ensure compliance with conservation measures.
	Article 7 Subsection 7.1 par. 7.1.8- 7.1.10	<u>Publicity of Measures for Conservation and Sustainable Yield</u> States are required to ensure that conservation measures guarantee sustainable yield to prevent excess fishing capacity and are publicized. Measures must be transparent.
	Article 8 Subsection 8.4 par. 8.4.1- 8.4.2	<u>Safety In Fishing Operations and Prevention of Pollution</u> Every state has a duty to ensure that fishing operations are safe consistent with international laws, and seek to prevent poisoning and other forms of pollution.
	Article 8 Subsection 8.4 par. 8.4.4- 8.4.6	<u>Technology & Scientific Evidence in Fisheries Management</u> States should employ technology in fisheries management and collaborate with other states in achieving this.
	Article 8	<u>Regulation of Fishing Gears</u>

Subsection 8.5	States have a duty to regulate fishing gears so as to guarantee that they are in harmony with the protection of the environment and ensure sustainability measures.
Article 8 Subsection 8.7 par. 8.7.1-8.7.4	<u>Protection of Marine Habitat</u> States should adopt laws that seek to protect the marine environment and prevent pollution consistent with MARPOL 73/78. Such measures should include all relevant stakeholders.
Article 8 Subsection 8.11 par. 8.11.1-8.11.4	<u>Application of Artificial Reef's and Fish Aggregation Devices</u> Where necessary, states should develop policies for use of artificial mechanism to increase fish population. The application of such devices should be mark by research to ensure protection of the environment.
Article 12	<u>Fisheries Research</u> States are required to invest in fisheries research to facilitate evidence-based decision making by stakeholders. Such research should cover technology, biology, ecology, economics, environment, fishing gears, species, etcetera.

3.4 The United Nations Fish Stock Agreement (UNFSA) 1995

The United Nations Fish Stock Agreement (UNFSA) was adopted on August 4, 1995 to set minimum standards by the UN Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks and give further effects to the principles for the long-term management and conservation of migratory and straggling fish stocks as provided by UNCLOS. As a means of reaching this goal, the agreement effectively offers a framework for international collaboration among nations and establishes specific minimum requirements for the governance and conservation of these stocks (SDG, 2019). The agreement recognizes the special need of developing countries in achieving its objectives and provides mechanism of support and cooperation for them. The agreement was signed against the background of realizing that the broad principles and measures provided in UNCLOS for the preservation and management of highly migratory and straggling fish stocks were not adequately self-executing (FAO, 2019).

3.5 Port State Measure Agreement (PSMA), 2009

Considered the number one international treaty with legally mandatory force to address IUU fishing, the PSMA was adopted in 2009 and took effect on 5th June 2016. It basically seeks to avoid, discourage and end IUU Fishing by stopping vessels that carry on the practice from accessing ports and bringing their catch ashore. The use of Automatic Vessel Identification System (AIS) serves a key role in helping with monitoring the movement of vessels and enforcement of the law (Hosch et al., 2023). As a coastal state, it is more likely that vessels trawling in the EEZ and territorial seas of Liberia would call in at fisheries ports in the country. Accordingly, the PSMA is relevant to this study to provide a comprehensive reflection of the evaluation of the Liberian fisheries laws to tackle and eradicate IUU Fishing in the EEZ and territorial seas. The basic obligations of states to address IUU fishing under the PSMA are summarized in Table 4:

Table 4. Relevant Provisions of the PSMA to Tackle IUU Fishing

PSMA	
Provisions	Port State Obligations of State Parties
Part I, Art. 5 (a) (b) (c)	<u>Integrated Port State Measures</u> Integrate fisheries related measures with general port-state measures, and coordinating the exchange of Information.
Part I, Art. 6 (1), (2) & (3)	<u>Bilateral and Multilateral Conservation and Management Measures</u> Taking measures to promote conservation and management measures by states and organizations, and cooperate with the exchange of information with international organizations, including the FAO and RFMOs.
Part II, Art. 7 (1) & (2)	<u>Publication of Designated Ports</u> Sharing records of designated ports with the FAO who will publicize it. Each party shall ensure that such ports have the capacity to enforce the obligations under this agreement.
Part II, Art. 8 (1) & (2)	<u>Request of Vessel Information When Calling in at a Port</u>

	When a vessel calls at the harbor of a member state, the member state shall in advance request for examination all relevant information about the said vessel as attached in Annex A of the Agreement.
Part II, Art. 9 (1), (2), (3), (4), (5), & (6)	<u>Records of Vessels</u> The information gathered in Art. 7 shall be used to determine a vessel's qualification for port access. In the event of denial, the party shall communicate with the Flag State.
Part II, art. 11, par. 1 (a), (b), (c), (d) & (e).	<u>Conditions for Denying Access to Ports</u> Where a vessel is already in a designated port, a state party shall deny the said vessel of port services for the following reasons: lack of authorization to engage in fishing activities; clear evidence that its catch was done in contravention of applicable laws; the flag state delays in confirming whether or not catch on board conforms to applicable laws; reasons to believe that the vessel was engaged in IUU Fishing or related activity.
Part IV, art. 12, par. 1, 2 & 3.	<u>RFMOs' Threshold of Inspection of Vessels</u> Each party shall inspect a number of vessels to reach agreed annual number through RFMOs, and do other inspections based on report from a state on suspicion that such vessel was engaged in IUU Fishing.
Part IV, art 13 par. 1 & 2 (a) (b), (c) , (d), (e) & (f).	<u>Inspection of Vessels</u> Each party shall ensure a thorough inspection of vessels and its relevant information by qualified inspectors who shall carry an identification document during the course of the inspection.
Part IV art. 14	<u>Gathering of Information During Inspection</u> In the results of the inspection, each party shall include all relevant information about the vessel as attached on Annex C, including its authorization.
Part IV art. 15 (a), (b) & (c) art. 18 par. 1	<u>Information Sharing After Inspection</u> The result of the inspection shall be shared with all relevant parties, including FAO, RFMOs, Flag State, State of the Master & Coastal State where the Vessel may have been involved in IUU Fishing.
Part IV, art. 16 par. 1, 2, 3, 4, & 5.	<u>Exchange of Information Electronically</u> Parties shall endeavor to create an electronic medium for the exchange of data while taking due note of the respect of privacy and designate an authority that would serve as a contact point for such information.
Part IV, art. 17	<u>Training</u>

	Training of inspectors should be consistent with guidelines in Annex E.
Art. 19. Par. 1,2, & 3.	<p style="text-align: center;"><u>Database of Vessel Records</u></p> <p>The parties shall maintain important information available to the public, and provide same upon request to the owner, master or representatives of vessels and any measures taken under Articles 9, 11, 13 or 18 and inform the flag state.</p>
Part 7, art. 22, par; 1,2 & 3	<p style="text-align: center;"><u>Dispute Resolution</u></p> <p>In the event of a dispute, a party may seek consultation. Where consultation fails, a party may take recourse to any alternative dispute resolution method, including judicial settlement. A dispute not so resolved, shall be presented to the ICJ or ITLOS.</p>

Chapter 4: The EU's Fisheries Regulations Relating to its Carding Sanctions

4.1 Introduction

The EU's fisheries regulations relating to its carding sanctions are technically international legal instruments for countries with whom it has trade agreements or relationships, given its sanction scheme for illegal fishing activities. Accordingly, this chapter analysis the regulations with the objective of establishing the obligations they impose on third countries like Liberia.

4.2 Overview of the EU's fisheries regulations relating to its Carding Sanctions

In 1993, the EU adopted a Common Fisheries Policy (CFP) that seeks to strengthen Flag State mandate of its member states' vessels that operate in the jurisdictions of other countries or the high seas. The overarching objectives of the CFP are to ensure that fishing practices adhere to international laws by being environmentally sustainable, sustaining food supply, and complying with other labor and economic requirements (EU, 2013). Over the years these rules have evolved to become more rigid in light of persistent cases of IUU Fishing, also involving vessels from the EU. It was conservatively predicted that 1.1 billion Euro worth of IUU Catches were imported into the EU in 2005 (EU, 2008). As a means to further strengthen regulatory measures to combat the pervasiveness of IUU Fishing and the landing of its catches on the European Market, in 2008 the EU adopted a new measure promoting what it calls the Market State Responsibilities. This gave rise to its carding scheme for IUU Fishing that came into effect in 2010 (Leroy et al., 2016).

Under this new EU Regulation (Council Regulation (EC) No 1005/2008), all EU Member States are required to ensure that catches from non-cooperating states, do not enter the EU Market- the birth of the Market State Responsibilities approach to combating IUU Fishing. According to the regulations, non-cooperating third countries

are countries that fail to enforce international regulations, domestic laws, and RFMO Agreements to cooperate in eliminating IUU Fishing (EU, 2013b). The procedure for sanctioning third countries is such that the commission would firstly initiate a dialogue with a country it suspects of being non-cooperating, putting forth the problems identified. If concerns identified are not resolved at the dialogue stage, the EU notifies or warns the non-cooperating state with a yellow card and provides clear measure that the non-cooperating country should take within a definite time frame. The yellow card period could be extended if a notified country is making efforts to address the concerns, but has not fully addressed them. If a pre-identified state fails to address its IUU fishing issues, the commission lists said country as a non-cooperating country by sanctioning it with a red card. When all the issues are addressed, the Commission delists the country (Popescu & Chahri, 2022).

4.3 The Extra-territorial Effects of the EU's Regulations on the Carding Sanctions

A country sanctioned for IUU Fishing would face market restrictions. Among other things, catches from listed countries would be barred from entering the EU Market that is presumed to be the largest for fisheries products in the world (FAO, 2018). EU Vessels would not engage in trade with a sanctioned country, and vessels flagged to a listed state would also be barred from the EU market (European Parliament, 2019). These consequences of the EU's Carding Sanctions for IUU Fishing mean a lot to poor nations with whom the EU has Fisheries Partnership Agreements (FPA). According to Leroy et al. (2016), eight third countries that were assessed to be non-cooperating were notified on November 15, 2012, and on 27th November 2013, these initial warnings resulted in the listing of three non-cooperating countries: Belize, Cambodia, and Guinea.

Up to May 2022, 27 countries had been issued yellow cards under the EU's IUU Regulations. Following pre-identification periods ranging from 10 to 56 months, 14 of them had their pre-identification lifted after undertaking reforms; nevertheless, two

nations subsequently earned a second yellow card. Six of the pre-identified nations underwent a red card and listing process; three of those nations were delisted after 13, 20, and 35 months, respectively. Nine nations currently display a yellow card, while three do so for a red card (Popescu & Chahri, 2022).

4.4 Compliance obligations of Member States and third states Under the EU's Carding Regulations

The two main tools used by the EU to combat illegal fishing are EU Council Regulation (EC) No 1005/2008 of September 29, 2008, establishing a community system to combat IUU Fishing (concerning imports), and EU Council Regulation (EC) No 1224/2009 of November 20, 2009, establishing a Union control system for ensuring compliance with the rules of the common fisheries (primarily focusing on compliance by EU fishers) (Naiki & Rakpong, 2022). The latter is the EU's main instrument for combating illegal fishing. It compels EU Member States to take decisive actions against fishing vessels and EU nationals involved in illegal fishing practices in any part of the world. Its foremost features are the catch certification mechanism and the carding scheme. The first aspect is to guarantee that imports of fisheries products into the EU are legal and the second identifies 'third countries or non-EU countries that are not cooperating in combating illegal fishing. The former concentrates on the operations of EU vessels, setting up an EU-wide system of control to guarantee compliance with the bloc's common fisheries policy. It covers all fishing activities in EU waters and those outside of the region by EU vessels. It is supported by Regulation (EU) 2017/2403 of the European Parliament and of the Council of 12 December 2017 on the sustainable administration of external fishing fleets, which aims at the control of vessels from other countries operating in EU waters and EU fleets fishing elsewhere (European Court of Auditors, 2022).

Responsibilities of Member States under these EU fisheries regulations are in alignment with other international fisheries instruments. Article 1 paragraph 4, article

12 paragraph 3 and Article 20 of (EC No 1005/2008), which is the main EU Regulation to eradicate IUU Fishing cover flag state responsibilities. Article 3 paragraph 1 (a) and Article 11 Paragraph 4 cover Coastal State Responsibilities; while Articles 4 to 11 cover Port State Responsibilities. Articles 12 to 18 cover market state responsibilities. These responsibilities are similar to those provided in the international legal frameworks covered in this work; to which Liberia and the EU are state parties.

The EU's fisheries regulations provide for tougher sanctions against violators. Sanctions can range from five or more times the value of the fisheries product obtained through serious violations as enshrined in Article 44 (2), to dissuasive criminal penalties as provided under Article 44 (3). Further actions, including the sequestration of a vessel as provided under Article 45 (3), or the withdrawal of operational status as provided under Article 45 (8) are also permissible (EUR-Lex, 2008).

Chapter 5: A Review of the National Fisheries Laws of Liberia and their Comparison with the Fisheries Laws of Belize

5.1 Introduction

This chapter deliberates on the National Fisheries Laws of Liberia to inform the analysis that will follow in the next chapter, ascertaining whether or not Liberian Fisheries Laws align with the four international legal instruments to combat IUU Fishing covered in this research. In 2010, while the Bureau of National Fisheries was still within the Ministry of Agriculture of Liberia, a regulation governing fishing, and related operations was adopted. In order to allow artisanal fishers access to coastal seas and to aid in the rebuilding of stocks, these regulations included a zoning restriction that forbid industrial trawling within the 6-nm inshore zone (Jueseah et al., 2020). The 2010 Regulation has been repealed and replaced by the 2020 Fisheries and Aquaculture Regulations. In 2017, Title 23, Natural Resources Law, Liberian Codes Revised was amended by repealing Subchapter B, Fish Resources, along with the amendment of Title 30, the Public Authorities Law, creating the National Fisheries and Aquaculture Authority (NaFAA), now charged with the responsibility of managing Liberia's fisheries resources. In 2019, the National Fisheries and Aquaculture Authority Act was also amended to add thereto Fisheries and Aquaculture Management and Development. The 2019 Act has now become the main fisheries law of Liberia.

5.2 The National Fisheries and Aquaculture Act of 2017

The adoption of the National Fisheries and Aquaculture Act led to the creation of NaFAA, which assumed the statutory mandate to oversee Liberia's fisheries sector and programs. Its primary objective is to "guarantee the long-term management, conservation, development and sustainable use of the fisheries and aquaculture resources and related ecosystems for the benefit of the people of the Republic of Liberia" (National Fisheries and Aquaculture Act, 2017: Ch. 2, sec. 2.1). The act

contains five chapters and basically outlines the structure and functions of NaFAA; except for chapter six which deals with funding to the institution. The Act does not provide any operational details to combat IUU Fishing. It rather sets out the institutional structure of NaFAA (See Appendix 1).

5.3 The Fisheries and Aquaculture Management and Development Law of Liberia, 2019

The Fisheries and Aquaculture Management and Development Law of 2019 (hereinafter the Fisheries law of Liberia) is Liberia's primary fisheries law. The law addresses post-harvest operations, aquaculture and related activities, safeguarding of the marine environment, and management and conservation of marine and inland fisheries (UNEP-LEAP, 2019). In its Preamble, the 2019 law cites deficiency in the 2017 Act in providing provisions to operate the fisheries and aquaculture sector as the reason for its enactment. The law therefore empowers NaFAA by providing provisions related to various aspects of fisheries management, including measures related to transshipment, conservation and related penalties for violation (Inter-American Tropical Tuna Commission, 2021). The penalties in the law range from administrative or civil, to criminal. A summary of the pertinent provisions of the law dealing with various aspects related to IUU Fishing is provided in Table 6:

Table 6. Relevant Provisions of the 2019 Fisheries and Aquaculture Development Law of Liberia to Combat IUU Fishing

Fisheries and Aquaculture Management and Development Law of Liberia	
Relevant Provisions	Basic Requirements to Tackle and End IUU Fishing
Sections 10.15 and 10.16	<p style="text-align: center;"><u>Registering and Licensing of Vessels</u></p> <p>All fishing Vessels, both foreign and national are required to be license to fishing in Liberian fisheries waters.</p>
Section 10.1 par. 3	<p>Foreign Fishing Vessels are required to show flag state authorization as a precondition to being issued a license.</p> <p>Licenses are valid for a period of one year subject to renewal.</p>

Section 10.12 Section 5.4 par.1	A performance bond may be required for Foreign Vessels to serve as assurance for the performance of license obligations.
Section 4.1, par. 1, 2 & 5 Section 4.5 par.1 Section 4.6 par1	<u>Conservation and Management</u> These provisions assign to NaFAA the responsibility to develop Fisheries Management and Conservation Plans based on scientific advice and consultation with stakeholders, to be approved by the Board of Directors. The measures would among other things be related to protected fisheries resources; place and time for fishing activities; fishing methods and gears type; prevention of by-catch, protection of endangered species, etcetera. Restriction is placed on commercial fishing for sharks without authorization.
Section 10.25 (a), (b) (c)	<u>Conditions for Transshipment</u> Transshipment is only permissible in designated ports and not at sea. It must be carried out based on a request made within 72 hours, providing all information relating to the vessel and its catch before it is authorized. Under exceptional circumstances where transshipment is authorized at sea, an authorized inspector would monitor the process, as in ports.
Sections 5.5 & 5.6	<u>Regional and International Fisheries Management Agreements</u> This provision authorizes NaFAA through its Director General in discussion with the Board to enter into regional and international fisheries agreements to enhance conservation and management.
Section 9.4 par. 1 & 2 Section 10. 18 Section 10.7 (d) (f) & (h)	<u>MCS and Reporting</u> Fishing vessels entering or exiting the waters of Liberia shall at least 24 hours prior to the voyage make a declaration of the type and quantity of catch on board. All fisheries vessels 15 meters and above shall at all times while in active operation maintain a “Class A AIS”. AIS is also required commercial and industrial fishing vessels. These vessels shall maintain a current International Code of Signals and not engage in fishing in the Inshore Exclusive Zone. Industrial fishing vessels shall maintain a log of gear type, noon position, species, size and quantity of fish, number of hauls per day,

Section 10.18 par. 1 (a) (i) to (vi)	etcetera while in Liberian waters. These requirements shall also apply to semi-industrial fishing vessels.
Section 10.20 (a) to (d)	MCS activities under this act shall be a function of NaFAA through its inspectors and in coordination with relevant government agencies, including the Maritime Authority, National Police, Immigrations Service and the Coast Guard, consistent with Section 4.3 of the National Defense Law of 2008.
Section 11.1 par. 1,2 & 3 Section 11.27 par. 1, 2 & 3	Operators of fishing vessels shall install and maintain a mandatory VMS and shall notify the Director in the event of any malfunctioning of the device cause the vessel to return to report to the port of Monrovia.
Section 8.4 par 1 & 8.5 Par 1	<u>Records of Fishing Vessels and Related Activities</u> The NaFAA shall keep a database of all relevant records of fishing vessels, including those relating to licenses.
Section 10.14 (a) to (h)	<u>Other Obligations for a Fishing Vessel</u> Display markings of vessels and fishing gears; flag state registration, etcetera.
Section 9.5 par. 1 Section 11.28 par. 1 to 3	<u>Conditions for Accessing Ports</u> All fishing vessels desirous of berthing in Liberia shall do so only at a designated post upon a 72-hour advance notice and obtaining authorization and payment of fees.
Section 11.29 Section 11.30	<u>Conditions for Denying Access to Ports</u> Unless permissible for special purposes under international law, a fishing vessel may be denied access to a port in Liberia where there is proof that the vessel was engaged in IUU Fishing or activities related to such, or violation of international laws, or the rules of a RFMO to which Liberia is a member or cooperating non-member. Where a vessel has already entered a port in Liberia, it may be denied use of the port whether inspected or not, for landing, transshipment, packaging of fish not previously landed, or for other services, including refueling, maintenance and dry-docking, where the vessel had no valid authorization to involve in fishing as

	required by its flag state, not permitted to engage in fishing activities by this Act, there is evidence showing infringement of a coastal state’s fisheries laws.
--	--

Other pertinent provisions of the law regulating IUU Fishing are summarized in Table 7:

Table 7. Extension of Table 6

Relevant Provision	Basic Objectives Relevant to IUU Fishing
Section 11.4 Par. 1, 2 & 3	<p style="text-align: center;"><u>The Powers of Fisheries Inspectors</u></p> <p>The powers of fisheries inspectors include doing ‘all such acts and things and to give such directions’ to accomplish their objectives. Inspectors also have the power to use reasonable force to bring a vessel to a place in the Republic of Liberia.</p>
Sections 11.6; 11.7; 11.8; 11.9; 11.10; 11.12; 11.13; 11.14; 11.15; 11.16; 11.25	<p>Inspectors and observers have the powers to conduct boarding inspection of any fisheries vessel in the waters of Liberia without a warrant and are immune from prosecution or liability for acts committed in the course of exercising their duties except for gross negligence. Inspectors have the powers to conduct hot pursuit and take and detain vessels, and secure information and evidence without interference. They may detain and immobilize a fishing vessel for cause. Inspection shall cover all relevant aspects of the vessel and fishing gears consistent with law.</p>
Section 11.7; 11.9	<p style="text-align: center;"><u>Observer Program</u></p> <p>An observer program is established under this act to record, collect and report correct data for scientific monitoring, management and compliance purposes. The inspectors are to fishing activities, while the observers are to research activities. They have the same immunities as inspectors.</p>
Sections 12.1 & 12.2; Section 13.1 Section 14.3 Section 15.1 par. 1 & 2.	<p style="text-align: center;"><u>Judicial Proceedings and Punishment for Violation</u></p> <p>In the event of the arrest of a vessel and crew, the flag state shall be promptly informed and vessel and team shall be promptly discharged upon the posting of a valid bond or other security. There shall be a prompt administrative or judicial proceeding to address the matter.</p>

Section 4.16 par.3	Penalties for violation of this law may range from administrative or civil, to criminal. The maximum fine is US\$ 1,000,000.00, or ten-years imprisonment, or both for fishing in an area declared as a Special Management Area for conservation processes.
--------------------	---

5.4 A Comparison of the Fisheries Laws of Liberia and Belize

Belize was among the first countries to have received the EU’s yellow card warning for IUU Fishing in 2012, and later red carded in 2013 for still not doing enough to combat IUU Fishing, including having weak legislation and failing to undertake Flag State responsibilities under international laws. The ban on Belize was lifted in 2014 after measures were taken to combat IUU Fishing, including enacting new laws (OCEANA, 2014). Unlike Belize, Liberia still carries a yellow card warning from the EU.

5.4.1 Similarities

Both Liberia and Belize have recently adopted new laws to regulate their fisheries industries. In 2019, Liberia amended its 2017 Fisheries and Aquaculture Authority Law to what is now the Fisheries and Aquaculture Management and Development Law of Liberia (Liberian Fisheries Law). The new law gives NaFAA the operational powers to regulate the fisheries programs of Liberia. In the case of Belize, its 2011 fisheries laws were repealed to give birth to the 2020 Fisheries Resources Law of Belize (hereinafter fisheries law of Belize). Under the laws of the both countries, all fishing activities, including fisheries research activities are based on the issuance of a license by their respective fisheries authorities.

In keeping with the Fisheries Law of Belize, a license cannot be delivered to a foreign fishing vessel except there is an access agreement in place between the administration of the flag state of the vessel, or a fisheries association of which the proprietor or charterer is a member, and Belize is a party (Fisheries Resources Act, 2020: sec. 28 (5)). Otherwise, under section 28 (7) there must be other sufficient guarantees that the

vessel will uphold its license obligations. Similarly, under Section 5.4 of the Liberian law, the Director General of NaFAA may demand a performance bond as a precondition to issuing a fishery license to foreign vessels, or require a Fisheries Access Agreement which is subject to annual review (Fisheries and Aquaculture Regulations, 2019: sec. 5.1, 5.2 & 5.4). These measures are geared towards discouraging vessels from engaging in IUU Fishing, as having the countries as a party to a fishery access agreement would mean that they could be directly involved in monitoring the fishing process, in the alternative, if a vessel violates its license requirement, it could forfeit the bond or collateral.

In both countries, a violation of license obligations is punishable either civilly or criminally, or both ways, including revocation of license. In Belize, a license is provided for a period not exceeding three years, after which it may be renewed, while in Liberia the period is one year. The license requirements apply to both national and foreign fishing vessels. The laws of the two countries provide for the involvement of both private and public stakeholders, including Non-Governmental Organizations (NGOs) in fisheries management programs consistent with Article 7, subsection 7.1.6 of the CCRF. In this regard, Part II Section 8 of the fisheries law of Belize creates an advisory body on fisheries policy formulation and management activities, known as the Fisheries Council, while Chapter 3 Section 3.3 of the Liberian law creates its equivalent, referred to as the Fisheries Advisory Council. To combat IUU Fishing through a regional mechanism as required Article 8, subsection 8.1, par. 8.1.4 of the CCRF, Belize is a member of the Caribbean Regional Fisheries Mechanism (CRFM) (CRFM, 2023b), as Liberia is a member of the Fisheries Committee for the West Central Gulf of Guinea (FCWC) (FCWC, 2021).

For the purpose of monitoring fisheries activities, both countries have programs for inspectors and observers. In Liberia, the inspectors include National Coast Guard Officers, and are responsible to ensure monitoring and maintaining surveillance of the activities of fishing vessels, while the observers are assigned on research vessels for

monitoring purposes. The inspectors have immense powers, covering the inspection of all areas and aspects of a fishing vessels. They are authorized to use reasonable force where necessary and can even carry out hot pursuit and detain and immobilize a vessel suspected of illegal activities. These powers of the fisheries inspectors are enshrined in Part II, Section 1.4 of the Liberian law, while Part II, section 11.17 covers the operations of observers.

Under section 55 (1) of the Fisheries Law of Belize, the Fishery Administrator may designate and assign an observer on licensed vessels. Consistent with section 56 (2) of the law of Belize, the observers are designated in keeping with a fishery management plan, treaty or agreement. Unlike the observers, under Section 5 of the law of Belize, fisheries officers in Belize include Fisheries Administrators, Senior Fisheries Officers, officers of the conservation and compliance unit and other senior fisheries officers for the purpose of enforcement of the law. The fisheries officers have immense powers, including inspection of everything on the vessel that is permissible by law. They may take photographs, have full access to the use of facilities on board, including fishing gear and navigation equipment. The observer may also send and receive messages via the vessels' equipment and conduct scientific monitoring. The operator shall be responsible for the upkeep of the observer while on board the vessel, including provision of food, lodging and medical care, and the administrator may require the operator to pay their salary and travel costs and secure insurance for the observer. Section 56 of the fisheries law of Belize makes it an offense to obstruct the work of the observer or fisheries officers in any way.

Part IX of the fisheries law of Belize is dedicated exclusively to Port State Measures to address IUU Fishing. Fishing Vessels must give advance notice of at least forty-eight hours before calling at a fisheries port in the country and provide all relevant information about the vessel, including its catch. The inspector program in Belize is dedicated to fisheries port operations. Part 6, Section 11.28 of the Liberian fisheries law govern the use of fisheries port. The law requires that a vessel provides advance

notice within 72 hours before calling in at a fisheries port in Liberia, and submit all documents relating to the vessel and its catch, except for emergencies provided under international law.

Operating with unauthorized fishing gear and engaging in unauthorized transshipment are strictly prohibited under the laws of both countries. Under the Liberian law, there must be at least 72 hours advance notice for authorization to do transshipment. Chapter 11 of the Liberian law is dedicated exclusively to Monitoring Control and Surveillance (MCS) activities. It includes the operations of inspectors, observers and a mandatory Vessel Monitoring System (VMS) for industrial fishing vessels; while Part XIV of the law of Belize is also dedicated to MCS activities, but does not deal with the matter in as much detail as the Liberian fisheries Law. There are both judicial and administrative proceedings in both countries to expedite fisheries disputes consistent with international fisheries laws, including Article 73 of UNCLOS and Article 10, Section 10.1.5 of the CCRF.

The Liberian Maritime Authority (LiMA), a Public Autonomous Agency, through its designated agent or recognized organization, the Liberian International Shipping and Corporate Registry (LISCR), is responsible for the registration of all Liberian-flagged vessels (Liberian Registry, 2023). Before registration, a vessel is inspected to ascertain its seaworthiness and thereafter numbered (Liberian Maritime Law, Title 21 Liberian Codes Revised; Ch. 7). Vessels registered in Liberia are expected to maintain an operational office in the country or a qualified registered agent. Maintaining an office or registered agent is seemingly an effort by Liberia to meet the “genuine link” requirement of Article 91 paragraph 1 of UNCLOS. Like foreign fishing vessels, Liberian flagged vessels must be licensed to involve in fishing activities in Liberia.

5.4.2 Differences

In Liberia, all fisheries and aquaculture programs are regulated by NaFAA, while Belize has a Mariculture program in addition to its Fisheries and Aquaculture Program.

Under section 2 (c) of the fisheries law of Belize, Mariculture is defined as, “Any activity designed to cultivate or farm fish and other living aquatic resources, and includes the cultivation, propagation or farming of aquatic organisms from eggs, spawn, spat or seed, or by rearing fish or aquatic plants lawfully taken from the wild or lawfully imported into Belize, or by other similar process within the fisheries waters of Belize, but does not include shrimp farming or any business activity related thereto.” Unlike Liberia, the aquaculture program of Belize is run by a separate autonomous body, while the Fisheries and Mariculture programs falls under the 2020 Fisheries Resources Law and is regulated by the Belize Fisheries Department under the Ministry of Agriculture.

The maximum fine for violation of the fisheries law of Belize under Section 34 is up to three million dollars for violating fisheries port measures, while the Liberian fisheries law sets the maximum fine at one million dollars under a schedule of the law (second schedule) which outlines various sums as fines for different violations. While the laws of both countries provide for civil and criminal penalties, Belize’s law is more rigid in this regard. Section 65 of the Fisheries Law of Belize imposes strict liability against persons charged and prosecuted for violating fisheries laws and regulations.

Fisheries observers and inspectors in both countries have immense powers and are ordinarily precluded from civil or criminal liabilities for actions taken in the course of their duties, but in Belize, the observers are even more powerful. Unlike Liberia, under Section 55 of the fisheries law of Belize, observers may stay longer hours on a vessel as may be required by the fisheries administrator and must be granted entree to all areas and equipment of the vessel, including communication devices. The observers have the power to take pictures and videos of operational activities. In both countries, the basic needs of the observer, including food, shelter and medicine, must be provided by the operator while they are assigned on a vessel. However, in Belize, the fishery administrator may even require the operators to provide financial compensation for the

observer. These measures are intended to prevent illegal fishing or related activities by the regular presence of observers on vessels.

Part IX of the law of Belize is dedicated exclusively to Port State Measures to address IUU Fishing. However, the law in Part IX, Section 34, paragraph 1 gives the Minister of Fisheries the discretion to make regulations as part of Port State measures on conservation and management as required by international treaties and agreements. The port state measures against IUU Fishing in Liberia are rather more detailed and cover every requirement of the PSMA, unlike Belize's. Additionally, unlike Belize, the laws of Liberia state what Port State Measures the NaFAA must undertake and does not leave matters to the discretion of the head of fisheries.

Under Section 9.4 of the 2019 Liberian Fisheries Law, all fishing vessels leaving or entering a port in the country must announce the type and amount of catch on board 24 hours in advance. Vessels with a dimension of fifteen meters or more that are transiting in the fisheries waters of Liberia, whether licensed or not, must ensure continuous operation at full transmission of a Class "A" AIS system transceiver or its equivalent consistent with the prescription of the Director General. Failure to comply with these requirements would lead to the maximum fine of one million dollar, or not more than five years imprisonment. These requirements are not provided under the law of Belize.

Chapter 6: Analysis of Findings

6.1 Introduction

This chapter analyses and weighs the 2019 Fisheries and Aquaculture Management and Development Law of Liberia against the four international fisheries laws covered in this study to ascertain whether they are in alignment. Provisions of the Liberian Law to combat and eradicate IUU Fishing are analysed considering the main requirements or obligations to combat and eradicate IUU fishing set forth in these international laws. After the comparative analysis and evaluation, a summary of the study and conclusions are drawn out in the next chapter, stating whether or not the fisheries laws of Liberia are aligned with the selected international fisheries laws. This will be followed by a summary and conclusion of the entire study that will highlight the concepts that Liberia can borrow from Belize to strengthen its fisheries laws.

6.1.1 The Licensing of Fishing Vessels

Part 2 section 10.1 of the Liberian law sets mandatory registration or authorization requirements for all vessels (foreign and national) seeking to engage in all forms of fisheries- related activities in the fisheries waters of Liberia. This is in adherence to the regulatory mandate of coastal states as enshrined in article 7, subsection 7.6, paragraphs 7.6.2 and 7.6.5.

6.1.2 Conservation and Management Programs

Ensuring sustainability in the usage of the ocean and its resources is one of the foremost objectives of universal efforts to combat IUU Fishing. This is emphasized in various provisions of the four international legal instruments covered in this study, including the preface and background of the CCRF, and preamble of the PSMA. Similarly, the Liberian fisheries law describes fisheries resources as a common national heritage which must be sustainably managed. The fishery law of Liberia authorizes the creation of a Special Management Area (SMA) under section 4.16; a

violation of which constitutes the highest punishment of at most a million-dollar fine or ten-year imprisonment. The SMA is a conservation strategy to protect certain marine species and the marine environment. Part 2 section 4.6 paragraph 1 of the Liberian Fisheries Law places strict restriction on the application of harmful fishing methods and gears. Further, the Law also empowers the Director General of NaFAA in discussion with Board of Directors to set up fisheries management plans in support of conservation and sustainability.

6.1.3 Regional and International Cooperation to Combat IUU Fishing

Liberia is a member of the FCWC, as required under Section 10.3 and Article 8, Section 8.1 paragraph 8.1.4 of the CCRF. Other member states are Guinea, Ghana, Nigeria, Benin and Togo. FCWC Member states collaborate in many areas, including research and law enforcement. There is currently a regional MCS program under the auspices of the FCWC. There is also a jointly-coordinated MCS program under organization (TMT, 2021). In the same spirit of cooperation, Chapter 12, section 12.1 requires the Director General to report to a flag state of a vessel suspected of involvement in IUU Fishing or an affected coastal state and cooperate in the investigation.

6.1.4. Monitoring, Control and Surveillance (MCS)

The Liberian law provides for an MCS program under Chapter 11, section 11.1; that includes collaboration with the Coast Guard (National Défense Act, 2008: sec. 4.3). This adheres to Article 7, subsection 7.1, paragraph 7.7.3 of the CCRF. Liberia's MCS program includes a Vessel Monitoring System (VMS) under section 11.27 of the Liberian law. Chapter 11 Part 1 of the Liberian law is exclusively dedicated to MCS activities. Additionally, under Section 9.4 paragraph 2 of the Liberian law, all fisheries vessels 15 meters and above shall at all times while in active operation in Liberian fisheries waters maintain a "Class A AIS" and ensure that it operates continuously. These vessels shall also maintain a current International Code of Signals and not engage in fishing in the Inshore Exclusive Zone.

6.1.5 Settlement of Disputes and Penalties for Violations

Article 220 of UNCLOS and Article 7, Section 7.7, paragraph 7.7.2 of the CCRF deal with penalties and disputes settlement. Under Chapter 14, Sections 14.1 and 14.2 of the Liberian law, there are strict instructions for summary administrative proceedings for vessels or persons accused of violating the fisheries laws, while Chapter 12, section 12.1, paragraph 2 provides for the prompt release of an arrested vessel and crew upon filing of a bond. The investigative process commences in forty-eight hours. In the event of the arrest of a vessel and crew, the flag state shall be promptly informed and the vessel and crew shall be immediately released upon the filing of a valid bond or other guarantee.

The Liberian fishery law provides for both civil and criminal liabilities of the highest of one million dollars fine and or ten years imprisonment consistent with section 11.26, paragraph 3. However, although Article 73 (2) of UNCLOS requires that including imprisonment as a penalty for IUU Fishing should only be possible based on agreement by states, the Liberian law does not clearly state whether its imprisonment provision would be based on any such agreement.

6.1.6 Inspection of Vessels

To further strengthen its monitoring and control obligations under international fisheries laws, including Article 8, Section 8.1, paragraph 8.1.4 of the CCRF, Liberia runs both inspectors' and observers' programs for fishing and fishing research activities respectively. Under Section 11.4 of the Liberia law, the inspectors have immense powers, including doing "all acts reasonably necessary" to ensure compliance with fisheries laws and regulations. Section 11. 19 of the Liberian law authorizes observers to monitor and collect information during marine research process. Under section 11.3 Paragraph 1, the costs of the basic needs of an observer are borne by the controller and license holder of a vessel on which an observer has been assigned.

6.1.7 Training and Scientific Research

Article 12 (12.1) requires states to prioritize scientific research and training in fisheries management. Several provisions of the Liberian law recognize the importance of scientific research in fisheries management to inform evidence-based decision making, including Section 2.2 (C). However, no provision of the Liberian law indicates the availability of a research facility or how research and training would be clearly supported and carried out.

6.1.8 Measures to Combat IUU Fishing in Fisheries Ports

Part 6 of the Liberian law deals with the requirements for the use of port for fishing related activities, consistent with Part 3 of the PSMA. This is important given that as a coastal state, fisheries vessels operating in the EEZ and territorial seas of Liberia are more likely to call in at a port in the country, either under distress or normal circumstances. Under Part 6 section 11. 28 of the Liberian fishery law, a foreign fishing vessel can only call at a designated port for landing catches in Liberia upon prior notice of at least 72 hours. Under section 11.30 of the same law, a foreign fishing vessel can be deprived of port access for the lack of flag state approval to engage in fishing activities, lack of coastal state authorization and proof that the catch on board the vessel was acquired in contravention to a coastal state's or RFMO's regulations, including IUU fishing related activities. A vessel listed for IUU fishing or related activities is barred from entering a port in Liberia under section 11.29 of the 2019 fisheries laws except in the instance of an emergency under international laws.

The Liberian law substantially touches on all aspects of the port state obligations under the CCRF and PSMA. However, certain crucial aspects are only dealt with on the surface. Under section 11.30, paragraph 3 of the Liberian law, reference is made to the thorough scrutiny of fishing vessels calling in at designated ports, but no reference is made to the method and minimum standard of the conduct of inspection consistent with Article 13 of the PSMA and its Annex B. This is crucial given the important role

of port state inspection in tackling IUU Fishing. The 2019 Liberian Fisheries Law also does not make any specific reference to the training of inspectors consistent with the guidelines in Annex E of the PSMA and the mandatory language of Article 17.

6.1.9 Prohibitions on Certain Activities Unless Authorized

Under the Liberian fisheries law, the following acts are strictly prohibited unless authorized:

- a. Transshipment activities in the fisheries waters or port in the country unless by authorization based on a seventy-two-hour prior notice consistent with Section 10.5 paragraph 1 of the Liberian fishery law.
- b. Usage of unauthorized fishing gear and methods, including the use of bomb and poison are prohibited consistent Section 6.2 paragraph 1 of the Liberian Law, and as required under.

6.2 Implementation of the UNFSA

The UNFSA's primary goal is the conservation and management of fish stocks that occur in the high seas, under its article 5, relating to general principles, by applying a precautionary approach under article 6, and ensuring that measures are compatible with conservation and management measures according to article 7. However, a part of the agreement is pertinent to the conservation and management of fish stocks in areas that are under national jurisdiction, thereby applying to coastal states as well as states that do not engage in high seas fishing. In respect of areas under national jurisdiction, the agreement seeks to achieve its objectives through the workings of RFMOs. Section 5.5 of the Liberian law seeks to foster this objective, and Liberia's role in the FCWC also serves this purpose.

Chapter 7. Summary and Conclusions

IUU Fishing remains a hot topic in the international community, due to its far-reaching consequences, including but not limited to the reduction of fish stock, destruction of marine ecosystem, and denying nations of deserving revenues. To end the pervasiveness of IUU Fishing, there have been global strategies and concerted efforts to combat the menace. One such concerted effort is the enactment of international legal frameworks. The enactment of these frameworks is geared towards ensuring that as much as possible, all nations around the world have in place very strong legal procedures to combat IUU Fishing. This, in a way, imposes an obligation upon all member states of the UN, FAO, IMO, and the entire global community to ensure that their laws are in alignment with international legal frameworks on ocean governance, especially countries that have ratified them. However, the plan for every nation to have stronger laws to combat IUU Fishing does not seem to be a reality at the moment, given continuing global trend of IUU Fishing, and the sanctioning of some countries for not doing enough to address the problem. A study conducted by Hosch et al. (2023) found that the PSMA for instance, is being weakly applied in some countries; while Global Initiative (2021) recalls the continuing trend of illegal fishing across the world.

This research sought to ascertain the alignment of Liberian Fisheries Laws with the following four international fisheries instruments: UNCLOS, the UNFSA, the PSMA and the CCRF. The research also compared the Fisheries Laws of Liberia and Belize with the goal of ascertaining what lessons Liberia can learn from Belize which was among the first nations to have been affected by the EU's Carding Sanctions for IUU Fishing, but is now clear, while Liberia still carries a yellow card warning.

Firstly, Liberia and Belize have both recently adopted new fisheries laws. Belize's law is dated 2020, while Liberia's law was enacted 2019. A comparison of the two laws shows more similarities than differences. This is more likely due to the close timing of the adoption of their laws. All the international fisheries laws captured in this study predate the fisheries laws of Liberia and Belize. As such, the framers of the laws of

these two countries may have rightfully considered the requirements of these international fisheries instruments at the time of carving their laws.

Amid the many similarities however, it is quite noticeable that Belize's legal approach to penalizing incidence of illegal fishing is quite unique. It offers both flexibility and rigidity, and the fine component is more severe than Liberia's. The maximum fine for violating fisheries laws in Belize is three million dollars, while in Liberia is one million. Moreover, when a person is accused of violating the fisheries laws of Belize, he or she is offered a choice between administrative proceedings, and a judicial process. Under the judicial process, there is a strict liability under Section 65 of the Fisheries Law of Belize. This in effect means that it is not necessary for prosecutors to prove that an accused person did breach a fishery law or regulation. The burden rather rests on the alleged offender. Alternatively, under Section 85 of the Fisheries law of Belize, one may choose a summary administrative proceeding. In this latter case, where such person admits to the commission of the offense, an agreement is drawn out for settlement of an administrative penalty. This flexibility saves time and resources, and is a concept Liberia could borrow. Given the enormous consequences of IUU fishing on the environment and economies of affected countries, Liberia could borrow the approach of Belize by raising the fine component of the punishment to serve as a deterrence. This could account for Belize's success in combating IUU fishing and being removed from the EU sanctions.

Additionally, Belize's fisheries observers' program is more rigid than Liberia's. Although the both countries have provisions that give observers or inspectors the powers to inspect vessels at all times and are ordinarily precluded from liabilities arising from their actions, Section 55 of the Fisheries Law of Belize goes further by giving the fisheries administrator the power to authorize officers to stay longer time on vessels in line with a fisheries management plan or treaty and among other things have full access to all parts of the vessel, inspect records and gear, take photograph, conduct scientific monitoring, use the vessel's communication equipment to send and

receive messages, etcetera. The cost of an observer's accommodation on the vessel for these operations is shouldered by the vessel's operator, including cost of insurance, lodging, feeding, medical and even compensation. Through these provisions, Belize can ensure that it always has observers on fishing vessels to alleviate the possibility of IUU Fishing. It is a concept Liberia can learn from to strengthen its inspector or observer program.

An examination of the 2019 Fisheries and Aquaculture Development Law of Liberia in Chapter Five of this study shows that there are provisions covering all the relevant requirements of the international instruments covered in Chapter Three of this study. There are provisions for licensing for all forms of fisheries-related activities; there are provisions on the marking of vessels and gear and their regulation; there are provisions on MCS, and inspection of vessels and sanctions for IUU fishing. However, some provisions are scanty and do not seem to provide a clear picture of what they hope to achieve, or seem to pose a problem of inadequacy. For instance, there is no reference in the 2019 law to the manner and minimum standard of conduct of inspection and training of Fisheries Inspectors as provided under Article 13 of the PSMA, and in line with its Annex B. Additionally, although the law emphasizes the need for scientific research to inform fisheries management decisions, there is no provision indicating the creation of a fishery research facility or institute as required under Article 12 of the CCRF.

Another problem with the 2019 Law is that it provides no clear procedure to prevent IUU Fishing consistent with flag state responsibilities under Part 5, Article 20 of the PSMA, and Part IV paragraph 18. The law is rather reactive. However, when compared to the relevant international instruments covered in this study, the deficiencies discovered do not seem to be so egregious as to undermine the fight against IUU Fishing. The laws are fairly aligned with these international legal instruments, but would require concise provisions on the deficiencies discovered. Liberia can learn from the areas of strengths discovered in the fisheries law of Belize.

Finally, as this study is limited to evaluating the effectiveness of Liberia's fisheries regulations in preventing IUU fishing in the EEZ and territorial sea, it also offers potential for future research to examine the application of these laws. The findings indicate that the laws are reasonably aligned with the four international legal fisheries instruments covered in the study; nonetheless, a study examining the application of the regulations may uncover other variables contributing to the ongoing occurrence of IUU fishing in the nation's fishery waters.

References

- Abobi, S. M., & Wolff, M. (2020). West African reservoirs and their fisheries: An assessment of harvest potential. *Ecohydrology & Hydrobiology*, 20(2), 183–195. <https://doi.org/10.1016/j.ecohyd.2019.11.004>

- Abugu, U. (2021). *Legal Research Methodology and Applicable Procedures to Legal Research in Nigeria*. <https://nji.gov.ng/wp-content/uploads/2021/12/Legal-Research-Methodology-and-Applicable-Procedures-to-Legal-Research-in-Nigeria-by-Prof.-Abugu.pdf>
- African Union. (2016). *Strengthening Cooperation for Combating IUU Fishing*. Inter-African Bureau for Animal Resources. www.au-iba.org
- Agreement on Port State Measures, Part I, art. 1 (e) (2009). <https://www.fao.org/iuu-fishing/international-framework/psma/en/>
- AIKINS, E. R., & MCLACHLAN, J. D. T. (2022, July 13). *Africa is losing the battle against extreme poverty*. ISS Africa. <https://issafrica.org/iss-today/africa-is-losing-the-battle-against-extreme-poverty>
- Belhabib, D., Mendy, A., Subah, Y., Broh, N. T., Jueseah, A. S., Nipey, N., Boeh, W. W., Willemse, N., Zeller, D., & Pauly, D. (2016). Fisheries catch under-reporting in The Gambia, Liberia and Namibia and the three large marine ecosystems which they represent. *Environmental Development*, 17, 157–174. <https://doi.org/10.1016/j.envdev.2015.08.004>
- Bergen, J. (2016). *Why illegal fishing is becoming a national security issue*. The Agenda. <https://www.politico.com/agenda/story/2016/09/illegal-fishing-national-security-issue-000200/>
- Bethel, L., Jessen, H., & Hollander, J. (2021). Implementing the Port State Measures Agreement to combat illegal, unreported and unregulated fishing in the Caribbean. *Marine Policy*, 132, 104643. <https://doi.org/10.1016/j.marpol.2021.104643>
- Blasiak, R., & Yagi, N. (2016). Shaping an international agreement on marine biodiversity beyond areas of national jurisdiction: Lessons from high seas fisheries. *Marine Policy*, 71, 210–216. <https://doi.org/10.1016/j.marpol.2016.06.004>
- Boyle, A. (2019). The Choice of a Treaty. *Oxford University Press EBooks*, 101–118. <https://doi.org/10.1093/law/9780190947842.003.0007>
- Cabral, R. B., Mayorga, J., Clemence, M., Lynham, J., Koeshendrajana, S., Muawanah, U., Nugroho, D., Anna, Z., Mira, Ghofar, A., Zulfainarni, N., Gaines, S. D., & Costello, C. (2018). Rapid and lasting gains from solving illegal fishing. *Nature Ecology & Evolution*, 2(4), 650–658. <https://doi.org/10.1038/s41559-018-0499-1>
- CRFM. (2023a). *About CRFM*. [Www.crfm.int. https://www.crfm.int/index.php?option=com_k2&view=item&layout=item&id=1#:~:text=The%20CRFM%20consist%20of%20three](https://www.crfm.int/index.php?option=com_k2&view=item&layout=item&id=1#:~:text=The%20CRFM%20consist%20of%20three)

- CRFM. (2023b). *Member states*. Www.crfm.int. https://www.crfm.int/index.php?option=com_k2&view=itemlist&task=category&id=27:member-states&Itemid=227
- cricket. (2014, August 31). *PPT - Code of Conduct for Responsible Fisheries PowerPoint Presentation - ID:3754676*. SlideServe. <https://www.slideserve.com/cricket/code-of-conduct-for-responsible-fisheries>
- EU. (2008a, July 29). *EUR-Lex - 32008R1005 - EN - EUR-Lex*. Eur-Lex.europa.eu. <http://data.europa.eu/eli/reg/2008/1005/oj>
- EU. (2008b, September 29). *Council Regulation (EC) No 1005/2008 of 2008 establishing a Community System to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999*. <http://data.europa.eu/eli/reg/2008/1005/oj>
- EU. (2013a). *Article 2. Regulation (EU) No. 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No. 1954/2003 and (EC) No. 1224/2009 and repealing Council Regulations (EC) No. 2371/2002 and (EC) No. 639/2004 and Council Decision 2004/585/EC*. <http://data.europa.eu/eli/reg/2013/1380/oj>
- EU. (2013b). *COMMISSION IMPLEMENTING DECISION of*. <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2013:346:0002:0025:EN:PDF>
- EUR-lex. (2008, October 29). *EUR-Lex - 32008R1005 - EN - EUR-Lex*. Eur-Lex.europa.eu. <http://data.europa.eu/eli/reg/2008/1005/oj>
- European Court of Auditors. (2022a). *EU Action to Combat Illegal Fishing* (pp. 26–30).
- European Court of Auditors. (2022b). *Special report EU action to combat illegal fishing Control systems in place but weakened by uneven checks and sanctions by Member States*. https://www.eca.europa.eu/Lists/ECADocuments/SR22_20/SR_Illegal_fishing_EN.pdf
- European Court of Auditors . (2022). *Special Report on the EU Action to Combat Illegal Fishing* . In *file:///C:/Users/46700/Desktop/SR_Illegal_fishing_EN.pdf*. Publications Office of the EU.
- European Parliament . (2019). *Search database | Supporting analyses | Committees | European Parliament*. Europa.eu. <http://www.europarl.europa.eu/studies>
- European Union. (2016, September 9). *European Union and Liberia Dialogue on Implementation of “Sustainable Fisheries Partnership Agreement” | EEAS*. Www.eeas.europa.eu. https://www.eeas.europa.eu/node/9600_en

- FAO. (1993). *Compliance Agreement* . <https://www.fao.org/iuu-fishing/international-framework/fao-compliance-agreement/en/>
- FAO. (2001). *INTERNATIONAL PLAN OF ACTION TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED FISHING*. <https://www.fao.org/3/Y1224E/y1224e.pdf>
- FAO. (2016). *State of World Fisheries and Aquaculture*.
- FAO. (2017). *Voluntary Guidelines for Catch Documentation Schemes* (ISBN 978-92-5-130009-1). ISBN 978-92-5-130009-1
- FAO. (2018). *WORLD FISHERIES AND AQUACULTURE*. <https://www.fao.org/3/I9540EN/i9540en.pdf>
- FAO. (2019a). *FAO.org* : [Www.fao.org](https://www.fao.org). <https://www.fao.org/faolex/results/details/en/c/LEX-FAOC192628>
- FAO. (2019b). *United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks: Summary of developments and relevance to the FAO Consultation on Interaction of Pacific Tuna Fisheries*. [Www.fao.org](https://www.fao.org). <https://www.fao.org/3/W3628E/w3628e14.htm>
- FAO. (2023a). *International Framework | Illegal, Unreported and Unregulated (IUU) fishing | Food and Agriculture Organization of the United Nations*. [Www.fao.org](https://www.fao.org). <https://www.fao.org/iuu-fishing/international-framework/en/>
- FAO. (2023b). *Legal Report on the Ecosystem Approach to Fisheries in Liberia* (p. pg. 13-15).
- FCWC. (2021). *Fisheries Committee for the West Central Gulf of Guinea*. Fisheries Committee for the West Central Gulf of Guinea. <https://fcwc-fish.org/>
- Fisheries Transparency Initiative. (2020). *Fishing in the Dark: Transparency of Beneficial Owners*. https://www.fiti.global/wp-content/uploads/2020/09/FiTI_tBrief03_BO_EN.pdf
- Fitzmaurice, M., Ntovas, A., & Attard, D. (2018). *The IMLI Treatise on Global Ocean Governance*. Oxford University Press.
- Friedrich, J. (2008). Legal Challenges of Nonbinding Instruments: The Case of the FAO Code of Conduct for Responsible Fisheries. *German Law Journal*, 9(11), 1539–1564. <https://doi.org/10.1017/s2071832200000572>
- German Institute for International and Security Affairs. (2014). *Illegal Fishing and Maritime Security, Towards a Land-and-Sea-based Response to Threats in West Africa*. German Institute for International and Security Affairs.
- Glassco , E. C. (2017). *Challenges Caused by IUU Fishing in the Offshore: Lessons for Liberia’s Fisheries Based on a Global Review and Analysis*.

- Global Initiative . (2021). *IUU Fishing Index 2021* (pp. 25–40). <https://globalinitiative.net/wp-content/uploads/2021/12/IUU-Report-2021.pdf>
- Fisheries Resources Act of Belize, Part IV, Subsection 9 (2020). <https://faolex.fao.org/docs/pdf/blz197105.pdf>
- Belize Merchant Shipping Act of 2011, Section 38 (2011). <https://www.biermanpautt.com/wp-content/uploads/2020/12/BELIZE-Merchant-Ships-Registration-Act-Revised-Edition-2011.pdf>
- National Fisheries and Aquaculture Act , Ch. 2, Sec. 2.1 (2017). <https://faolex.fao.org/docs/pdf/lbr192629.pdf>
- Hey, E. (2001). *Global Fisheries Instruments Adopted in the Post-UNCLOS III Period*. https://doi.org/10.1163/9789004478381_006
- Honniball, A. (2019). Extraterritorial Port State Measures: The Basis and Limits of Unilateral Port State Jurisdiction to Combat Illegal, Unreported and Unregulated Fishing. *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.3527434>
- Hosch, G., Ferraro, G., & Failler, P. (2011). The 1995 FAO Code of Conduct for Responsible Fisheries: Adopting, implementing or scoring results? *Marine Policy*, 35(2), 189–200. <https://doi.org/10.1016/j.marpol.2010.09.005>
- Hosch, G., & Macfadyen, G. (2022). Killing Nemo: Three world regions fail to mainstream combatting of IUU fishing. *Marine Policy*, 140, 105073. <https://doi.org/10.1016/j.marpol.2022.105073>
- Hosch, G., Miller, N. A., Yann Yvergniaux, Young, E., & Huntington, T. (2023). *IUU safe havens or PSMA ports: A global assessment of port State performance and risk*. 155, 105751–105751. <https://doi.org/10.1016/j.marpol.2023.105751>
- Merchant Ships Registration Act, Chapter 236, Part I, subsection 4, par. 1 and Part II (2011). <https://www.biermanpautt.com/wp-content/uploads/2020/12/BELIZE-Merchant-Ships-Registration-Act-Revised-Edition-2011.pdf>
- Inter-American Tropical Tuna Commission . (2021). *LIBERIA ANNUAL REPORT (2020) INTER-AMERICAN TROPICAL TUNA COMMISSION (IATTC) REPUBLIC OF LIBERIA*. IATTC. https://www.iatcc.org/GetAttachment/6a16eeec-e257-4971-83fc-c8e14ae04ff9/LBR-C-12-07_Transshipment-Observer-Program.pdf
- International Bar Association . (2021, December 1). *Piracy in the Gulf of Guinea: an unending menace*. Wwww.ibanet.org. <https://www.ibanet.org/piracy-gulf-of-guinea>
- IUU Fishing Index. (2021). *IUU Fishing Index*. Wwww.iuufishingindex.net. <https://www.iuufishingindex.net/>
- Jueseah, A. S., Knutsson, O., Kristofersson, D. M., & Tómasson, T. (2020). Seasonal flows of economic benefits in small-scale fisheries in Liberia: A value chain

- analysis. *Marine Policy*, 119, 104042.
<https://doi.org/10.1016/j.marpol.2020.104042>
- Jueseah, A. S., Kristofersson, D. M., Tómasson, T., & Knutsson, O. (2020). A Bio-Economic Analysis of the Liberian Coastal Fisheries. *Sustainability*, 12(23), 9848. <https://doi.org/10.3390/su12239848>
- Leroy, A., Galletti, F., & Chaboud, C. (2016). The EU restrictive trade measures against IUU fishing. *Marine Policy*, 64(ISBN 187452426), 82–90. <https://doi.org/10.1016/j.marpol.2015.10.013>
- Liberia Maritime Authority. (2023, January). *Liberian Maritime Regulations*. https://www.liscr.com/sites/default/files/online_library/RLM-108%20Series%2001_2023.pdf
- The 2019 Fisheries and Aquaculture Management and Development Law of Liberia, Section 9.2, par. 2 (2019). <https://nafaa.gov.lr/>
- National Defense Act , Sec. 4.3 (2008). <http://liberlii.org/cgi-bin/download.cgi/cgi-bin/download.cgi/download/lr/legis/acts/dao200891.pdf>
- Liberia Maritime Law Title 21, Chapter 2, subchapter 1 (1991). <https://www.liscr.com/liberian-maritime-law>
- Liu, H., Peng, D., Yang, H.-J., Mu, Y., & Zhu, Y. (2023). Exploring the evolution of sustainable fisheries development: Focusing on ecological, environmental and management issues. *Ecological Informatics*, 102004. <https://doi.org/10.1016/j.ecoinf.2023.102004>
- Lopez-Lucia, E. (2015). *Fragility, Violence and Criminality in the Gulf of Guinea. (Rapid Literature Review)*. Governance. Social Development. Humanitarian. Conflict.
- Marciniak, K. J. (2017). New implementing agreement under UNCLOS: A threat or an opportunity for fisheries governance? *Marine Policy*, 84, 320–326. <https://doi.org/10.1016/j.marpol.2017.06.035>
- NaFAA. (2020). *2019 & 2020 Annual Report* . National Fisheries and Aquaculture Authority . <https://nafaa.gov.lr/about-nafaa/annual-report/>
- Naiki, Y., & Rakpong, J. (2022). EU–Third Country Dialogue on IUU Fishing: The Transformation of Thailand’s Fisheries Laws. *Transnational Environmental Law*, 11(3), 629–653. <https://doi.org/10.1017/S2047102522000206>
- OCEANA BELIZE. (2014, October 14). *EU Clears Five States [including Belize] Following their Improvements in Fighting Illegal Fishing, While Red-carding Sri-Lanka*. Oceana Belize. <https://belize.oceana.org/press-releases/eu-clears-five-states-including-belize-following-their-improvements-fighting-illegal/>
- Okafor-Yarwood, I. (2015). The Guinea-Bissau–Senegal maritime boundary dispute. *Marine Policy*, 61, 284–290. <https://doi.org/10.1016/j.marpol.2015.08.008>

- Okafor-Yarwood, I. (2019a). Illegal, unreported and unregulated fishing, and the complexities of the sustainable development goals (SDGs) for countries in the Gulf of Guinea. *Marine Policy*, 99, 414–422. <https://doi.org/10.1016/j.marpol.2017.09.016>
- Petrossian, G. A. (2018). A micro-spatial analysis of opportunities for IUU fishing in 23 Western African countries. *Biological Conservation*, 225, 31–41. <https://doi.org/10.1016/j.biocon.2018.06.011>
- Popescu, I., & Chahri, S. (2022a). *AT A GLANCE Infographic EPRS | European Parliamentary Research Service*. [https://www.europarl.europa.eu/RegData/etudes/ATAG/2017/614599/EPRS_ATAG\(2017\)614599_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/ATAG/2017/614599/EPRS_ATAG(2017)614599_EN.pdf)
- Poseidon Aquatic Resource Management Ltd. (2021). *The Illegal, Unreported and Unregulated Fishing Index*.
- Rosello, M. (2017). Cooperation and unregulated fishing: interactions between customary international law, and the European Union IUU fishing regulation. *Marine Policy*, 84, 306–312. <https://doi.org/10.1016/j.marpol.2017.06.030>
- Scherer, S. (2020, February 6). *Liberia: National Fisheries and Aquaculture Authority Fighting to Lift EU Yellow Card on Liberian Fishing Vessels*. IUU Watch. <https://www.iuuwatch.eu/2020/02/liberia-national-fisheries-and-aquaculture-authority-fighting-to-lift-eu-yellow-card-on-liberian-fishing-vessels/>
- SDG. (2019). *1995 United Nations Fish Stock Agreement. Sustainable Development Knowledge Platform*. Un.org. <https://sustainabledevelopment.un.org/topics/oceans/unfishstock>
- SeatradeMaritime. (2023, July 31). *Liberia takes world's largest ship registry crown*. Seatrade Maritime. <https://www.seatrade-maritime.com/regulation/liberia-takes-worlds-largest-ship-registry-crown>
- Shelton, D. (2006). Normative Hierarchy in International Law. *American Journal of International Law*, 100(2), 291–323. <https://doi.org/10.1017/s0002930000016675>
- Standing, A. (2017). *AFRICA SECURITY BRIEF*. <https://africacenter.org/wp-content/uploads/2017/06/ASB33EN-Criminality-in-Africas-Fishing-Industry-A-Threat-to-Human-Security.pdf>
- Swan, J. (2012). *HARMONIZATION OF FISHERIES LEGISLATION AND ASSESSMENT OF THE IMPLEMENTATION OF FISHERIES MANAGEMENT PLANS AND RIGHTS BASED MANAGEMENT IN THE SOUTH WEST INDIAN OCEAN*. https://wwfeu.awsassets.panda.org/downloads/harmonisation_of_legislation_report_1.pdf

- Teneva, L., Strong, A. L., Agostini, V., Bagstad, K. J., Drakou, E. G., Ancona, Z., Gjerde, K., Hume, A. C., & Jickling, N. (2022). Estimating the pelagic ocean's benefits to humanity can enhance Ocean governance. *Marine Policy*, *136*, 104906. <https://doi.org/10.1016/j.marpol.2021.104906>
- The National Fisheries and Aquaculture Act , Chapter 2, subsection 2.1 (2017).
- TMT, T. M. T. (2021, May 12). *FCWC Regional Monitoring, Control and Surveillance Centre*. TM-Tracking TMT. <https://www.tm-tracking.org/post/fcwc-regional-monitoring-control-and-surveillance-centre>
- UNEP-LEAP. (2019). *Fisheries and Aquaculture Management and Development Law of 2019*. | *UNEP Law and Environment Assistance Platform*. Leap.unep.org. <https://leap.unep.org/countries/lr/national-legislation/fisheries-and-aquaculture-management-and-development-law-2019>
- United Nations. (2012). *Overview - Convention & Related Agreements*. Un.org. https://www.un.org/Depts/los/convention_agreements/convention_overview_convention.htm
- Vietnam Convention on the law of treatise, Art. 26 (1969). https://legal.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf
- United Nations Convention on the Law of the Sea, art. 57, 192 & 193 (1982). <https://www.fao.org/iuu-fishing/international-framework/unclos/en/>
- United Nations Convention on the Law of the Seas, Part V, Article 61 (3) (1982).
- United Nations. (2016). *Overview - Convention & Related Agreements*. Un.org. https://www.un.org/Depts/los/convention_agreements/convention_overview_fish_stocks.htm
- United Nations. (2019). *1995 United Nations Fish Stock Agreement*.: *Sustainable Development Knowledge Platform*. Un.org. <https://sustainabledevelopment.un.org/topics/oceans/unfishstock>
- United Nations. (2023, September 9). *United Nations Treaty Collection*. Treaties.un.org. https://treaties.un.org/Pages/ViewDetailsIII.aspx?src=TREATY&mtdsg_no=XI-6&chapter=21&Temp=mtdsg3&clang=_en#1
- Woodlock, J., & Hydén, H. (2020). (f)Lex avionica; How soft law serves as an instrumental mediator between professional norms and the hard law regulation of European civil aviation maintenance. *Safety Science*, *121*, 54–63. <https://doi.org/10.1016/j.ssci.2019.08.037>
- Wuor, M., & Mabon, L. (2022a). Development of Liberia's fisheries sectors: Current status and future needs. *Marine Policy*, *146*, 105325. <https://doi.org/10.1016/j.marpol.2022.105325>

- Yllemo, J. O., & Naujokas, S. (2022). *Illegal, Unreported, and Unregulated (IUU) Fishing Regional Overview*. JSTOR. <https://www.jstor.org/stable/resrep40557?seq=2>
- Zhu, X., & Tang, J. (2023). *The interplay between soft law and hard law and its implications for global marine fisheries governance: A case study of IUU fishing*. <https://doi.org/10.1016/j.aaf.2023.04.004>

Appendices

Appendix 1 Structure of the Aquaculture Act:

- Chapter 1 covers the title of the Act, defines basic terminologies and their definitions, and the application of the Act
- Chapter 2 covers the objectives, and general principles and policy
- Chapter 3 covers the administrative functions of NaFAA
- Chapter 4 covers the mandate of NaFAA to establish policy conserve, manage and develop the fisheries resources of the country.
- Chapter 5 covers the authorization of NaFAA to represent the Government of Liberia in authorizing and regulating foreign fishing vessels
- Chapter 6 covers financial management and support to the institution