



Office of
Deputy Commissioner
of Maritime Affairs

THE REPUBLIC OF LIBERIA
LIBERIA MARITIME AUTHORITY

8619 Westwood Center Drive
Suite 300
Vienna, Virginia 22182, USA
Tel: +1 703 790 3434
Fax: +1 703 790 5655
Email: investigations@liscr.com
Web: www.liscr.com

January 22, 2014

Mr. Rondolph Payet, Secretary
Indian Ocean Tuna Commission
2nd Floor, Le Chantier Mall
P.O. Box 1011
Victoria, Mahé, Seychelles

Email: secretariat@iotc.org

RE: Liberia's Application for Cooperating Non-Contracting Party Status

Dear Mr. Secretary:

This letter serves as Liberia's application for Cooperating Non-Contracting Party ("CNCP") status with the Indian Ocean Tuna Commission ("IOTC"). Please note that our reason for attaining CNCP status is because we have in our Liberian Registry reefer vessels that participate in transshipment activities in the IOTC Convention Area. The following information comprises of the requirements for CNCP status and submitted in support of Liberia's application:

1. Where available, data on historical fisheries in the IOTC Area, including nominal catches, number/type of vessels, name of fishing vessels, fishing effort and fishing areas;
2. All the data that Contracting Parties have to submit to IOTC based on the resolutions adopted by IOTC;
3. Details on current fishing presence in the IOTC Area, number of vessels and vessel characteristics;
4. information on any research programs conducted in the IOTC Area and the information and the results of this research;
5. Commitment to respect the Commission's conservation and management measures and;
6. Inform IOTC of the measures to ensure compliance by Liberian flagged vessels of IOTC's conservation and management measures;
7. Draft Marine Notice and relevant sections of the Liberian Fisheries Regulations; and
8. Spreadsheet identifying reefer vessels currently registered in Liberia.

Kindly revert with an acknowledgement and advise whether Liberia can be granted CNCP status.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Margaret Ansumana', is written over a horizontal line.

Margaret Ansumana
Deputy Commissioner
Liberia Maritime Affairs

ATTACHMENT 1

Requirement: Full Data on Historical Fisheries, Including:

- a) Nominal catches;
- b) Number/type of vessels;
- c) Name of fishing vessels;
- d) Fishing effort/fishing areas.

Liberia

NOTE: This requirement does not apply to Liberia for non-domestic fishing activities. In the event there is consideration for registration of fishing vessels in IOTC's Convention Area, Liberia will provide notification of the same, including:

- a) Nominal catches;
- b) Number/type of vessels;
- c) Name of fishing vessels;
- d) Fishing effort/fishing areas.

However, we may provide a spreadsheet identifying currently registered Liberian-flagged reefer vessels by name, type, and IMO number.

ATTACHMENT 2

Requirement: Data that Contracting Parties have to Submit to IOTC Based on the Resolutions Adopted by IOTC:

Liberia: At the IOTC's request, Liberia is willing to compile the necessary information and submit without delay to the IOTC.

ATTACHMENT 3

Requirement: Details on Current Fishing Presence in the IOTC Area, Number of Vessels and Characteristics:

Liberia: This requirement does not apply to Liberia for non-domestic fishing activities. In the event there is consideration for registration of fishing vessels in IOTC's Convention Area, Liberia will provide said information.

ATTACHMENT 4

Requirement: Information on any Research Programs that Liberia has Conducted in the IOTC Area and Results:

Liberia: This requirement does not apply to Liberia. In the event there is consideration for research programs in IOTC's Convention Area, Liberia will provide the requisite information.

ATTACHMENT 5

Requirement: Commitment to Respect and Fully Cooperate in the Implementation of IOTC's Conservation and Management Measures (CMMs):

Liberia makes this explicit commitment to respect and fully cooperate in the implementation of IOTC's CMMs, specifically:

Resolution 13/01	Concerning the IOTC record of vessels authorized to operate in the IOTC area of competence;
Resolution 12/10	To promote implementation of Conservation and Management Measures already adopted by IOTC;
Resolution 11/03	Establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the IOTC area of competence;
Resolution 06/03	On establishing a vessel monitoring system program.

ATTACHMENT 6

Requirement: Inform the Commission of the Measures to Ensure Compliance by Liberian Flagged Reefer Vessels:

Monitoring: Liberia has established Vessel Monitoring System (VMS) requirements for all ships that engage in transshipment through our transshipment licensing program. When a ship applies for a transshipment license, the ship is sent an Automatic Location Communicator (ALC) in the form of a VMS Thorium kit (including a tablet), sent directly from our office in Virginia, USA. The vessels will send location positions to our Fish Monitoring Center (FMC) once every one (1) hour. We source our VMS through CLS America.

Transshipment Reports: The VMS tablet comprises of both an electronic transshipment logbook and reporting tool. As required, before and/or after each transshipment or landing, a transshipment declaration will be sent to the Secretariat, our flag state FMC and/or port state competent authority.

Annual Reports: Liberia will also submit annual reports to the IOTC as required.

Contacts: The Liberian Registry has 17 offices around the world and nearly 400 flag state inspectors at all major shipping ports. The head office of the Registry is in Vienna, Virginia, USA, which is where we operate our Flag State Fisheries Monitoring Centre for vessels engaged in transshipment activities.

Inspection: If one of our vessels is inspected and an infringement is found, the Liberian Registry has the authority to send a vessel to port pursuant to Liberian Maritime Regulations (RLM-108). Regulations are made by the Commissioner of Liberia Maritime Authority under the powers conferred upon him by section 11 of Chapter 1 of Title 21 of the Laws of The Republic of Liberia (the Maritime Law).

ISO 9001: The Liberian Registry has a Quality Management System (QMS) that is ISO 9001 certified through the British Standards Institution (BSI). This ensures that we maintain a quality transshipment program with strict procedures that are followed by our office and our vessels, all of which are independently and externally audited annually.

ATTACHMENT 7

Draft Marine Notice; Relevant Sections of the Liberian Fisheries Regulations (2010)



THE REPUBLIC OF LIBERIA
LIBERIA MARITIME AUTHORITY

Marine Notice

_____-005
02 JAN 2015

Office of
Deputy Commissioner
of Maritime Affairs

TO: ALL SHIPOWNERS AND OPERATORS OF LIBERIAN-FLAGGED REEFER VESSELS

SUBJECT: Transshipment and Illegal, Unreported, and Unregulated (IUU) Fishing Activities

Reference:

- (A) Indian Ocean Tuna Commission (IOTC)
- (b) Inter-American Tropical Tuna Commission (IATTC)
- (c) International Commission for the Conservation of Atlantic Tunas (ICCAT)
- (d) Southern Pacific Regional Fisheries Management Organization (SPRFMO)
- (e) Western and Central Pacific Fisheries Commission (WCPFC)

PURPOSE:

This Notice advises those owners and operators of Liberian-flagged reefer vessels involved in or plan to be involved in the transshipment of certain fish stocks in and around the Indian Ocean. Transshipment facilitates the laundering of 'pirate' fish, due to the inability of coastal and Flag State authorities to monitor how, by whom and where transferred fish is caught. Global losses due to Illegal, Unreported and Unregulated (IUU) or pirate fishing are estimated to be between \$10 billion and \$23.5 billion every year. Flag States are urged by Regional Fisheries Management Organizations (RFMOs) to discourage their reefer vessels from carrying out illegal transshipment.

APPLICABILITY:

This Notice applies to all Liberian-flagged reefer vessels engaging in or plan to engage in fish transshipment in and around the Indian Ocean. Pursuant to the RFMOs' principles, members, including Contracting Parties (CPs) and Cooperating Non-Contracting Parties (CNCs) are advised to:

- Authorize the use of fishing and reefer vessels flying their flags for activities only where they are able to exercise effectively their responsibilities in respect of such vessels;
- Implement and enforce conservation and management measures (CMMs) through effective monitoring, control and surveillance; and
- Deter IUU fishing.

DESCRIPTION:

A. Transshipment

Transshipment is the transfer of consignments from a fishing vessel to another vessel, generally a refrigerated cargo ship, or reefer. These transfers can either take place in ports or at sea and are a key cause of the lack of transparency in global fisheries that enables illegal, unreported and unregulated (IUU) fishing.

B. IUU Fishing Activities

IUU fishing is the term used to describe fishing activity which contravenes national or international agreements and management measures. RFMOs, in their efforts to combat illegal fishing, review information provided by their member states on activities of fishing and reefer vessels that could potentially undermine the effectiveness of their CMMs. Vessels are presumed to have carried out IUU fishing activities when those vessels:

- Harvest protected fish stocks in a given Convention Area and are neither registered nor authorized to fish in that area;
- Do not record or report their catches in accordance with reporting requirements, or deliberately make false reports;
- Engage in fishing, including transshipment, contrary to CMMs; and
- Fish and or transship without a license.

C. IUU Vessels List

Vessels that are confirmed to have conducted one or more of the above activities are listed on a draft “IUU Vessels List” which is then transmitted to CPs and CNCPs whose vessels are included thereon. The Flag State has the responsibility to notify the owner of the vessels of their inclusion on the List and of the consequences that may result. Some probable actions against vessels presumed to have engaged in IUU activities, include:

- Withdrawal or suspension of licenses;
- Prohibition of port access;
- Confiscation of catch;
- Refusal to grant a flag;
- De-flagging of vessel; and
- Prohibition of importation, exportation and re-exportation of fishery products.

D. Deletion from IUU Vessels List

A vessel may be removed from an IUU Vessels List if the vessel’s Flag State demonstrates that:

- The vessel did not engage in any IUU fishing activities; or
- Effective action has been taken in response to the IUU fishing activities in question, including, prosecution, and imposition of sanctions of adequate severity;
- It has adopted measures that will ensure that the vessel complies with all; and
- It will be able to assume effectively its responsibilities regarding the monitoring and control of the vessel’s fishing activities in the Convention Area.

REQUIREMENTS:

The RFMOs require that their members take the necessary measures to ensure that fishing or reefer vessels flying their flag comply with certain requirements when fishing or engaging in transshipment activities. Below are some requirements that are applicable to Liberian-flagged reefer vessels:

1.0 Conservation and Management Measures (CMMs)

Contracting and Non-Contracting Parties are required to implement CMMs adopted by the RFMOs, including, but not limited to measures:

- (a) To implement port state measures to prevent, deter and eliminate IUU fishing;
- (b) To establish a list of vessels presumed to have carried IUU fishing;
- (c) To ensure the long-term sustainability of fishery resources and promote the objective of their responsible utilization; and
- (d) To establish programs for transshipment by large-scale vessels;

2.0 Flag State Duties to be Implemented by Liberia in IOTC Convention Area

Flag States are required to take all necessary measures to ensure that fishing and or reefer vessels flying their flag:

- A. Comply with the provisions of IOTC's Conventions and the CMMs adopted, and ensure that vessels do not engage in any activity which undermines the effectiveness of such measures;
- B. Authorize the use of vessels flying its flag for transshipment in the Convention Area;
- C. Maintain a Record of Vessels entitled to fly its flag and authorized to fish for fishery resources, and ensure that, for all such vessels, such information as may be specified by the Commission is entered in that register;
- D. Notify the Commission when a previously authorized vessel is no longer authorized by the Member or CNCP to fish within the Convention area;
- E. Carry and operate equipment sufficient to comply with vessel monitoring system (VMS) standards and procedures adopted by the Commission;
- F. Land or transship fishery resources caught in the Convention Area in accordance with standards and procedures adopted by the Commission;
- G. Take all necessary measures to support efforts to prevent, deter and eliminate IUU fishing; and
- H. Investigate immediately and report on actions taken in response to any alleged violation by fishing vessels and or reefer vessels flying their flags.

3.0 Shipowner and Operator Responsibilities

Shipowners and Operators of vessels must comply with the applicable national laws of each State Party to the Convention in whose jurisdiction it enters and must be responsible for the compliance by the vessels and crew with such laws and vessels must be operated in accordance with such laws. Shipowners and Operators of vessels engaging in transshipment activities in the are to:

- A. Ensure that they obtain authorization from the flag State before engaging in transshipment activities;
- B. Ensure that authorization issued by the flag State of the vessel and, if applicable, any license must be carried on board the vessel at all times and produced at the request of an authorized enforcement official of any member of the Commission;
- C. Ensure that data on landings and transshipment operations are provided to the flag;
- D. Ensure that the vessel is marked and identified; at all times when the vessel is in the Convention Area, all parts of such markings must be clear and distinct;
- E. Ensure that Automatic Location Communicator (ALC) on the vessels remains operational and report in accordance with the RFMOs' vessel monitoring standards;
- F. Allow and assist any person authorized by the RFMOs in whose designated port or area a transshipment takes place to have full access to and use of facilities and equipment which such authorized person may determine is necessary to carry out his or her duties, including full access to the bridge, fish on board and areas which may be used to hold, process, weigh and store fish, and full access to the vessel's records, including its log and documentation for the purpose of inspection and photocopying.

4.0 Transshipment Licenses - Authorization

Flag states are encouraged to ensure that all their fishing, transport and support vessels involved in transshipment at sea have obtained a prior authorization or a transshipment license issued by the Flag State and to report to the RFMOs or other designated institution the required information about operations.

The Liberian Registry, upon approval/acceptance from the IOTC and other RFMOs, will issue transshipment licenses authorizing Liberian-flagged reefer vessels to participate in transshipment activities in various Convention Areas.

5.0 Monitoring, Compliance and Enforcement

The RFMOs have established appropriate cooperative procedures for effective monitoring, control and surveillance of fishing and transshipment and to ensure compliance with their Conventions and CMMS:

- The establishment and maintenance of record of vessels authorized to fish in the Convention Area;
- Ensuring that vessels are equipped with operational Automatic Location Communicator (ALC);
- The marking of vessels and fishing gear, the recording of fishing activities, and the reporting of vessel movements and activities by a satellite vessel monitoring system;
- An inspection program, both at sea and in port, including procedures to board and inspect vessels in the Convention Area;
- Reporting on violations detected, progress and outcomes of investigations, and enforcement actions taken.

6.0 Vessel Monitoring System (VMS)

Liberia will ensure that all Liberian flagged reefer vessels engaging in transshipment activities in the Convention Areas are fitted with fully operational ALC. VMS service will be

provided for Liberian flagged vessels by a company designated by Liberia.

7.0 High Seas Boarding

The RFMOs have established procedures for high seas boarding. These procedures may include authorized observers and inspectors with the authority to inspect fishing and reefer vessels in the Convention Areas, their licenses, gear, equipment, records, and any relevant documents necessary to verify compliance with the CMMs in force pursuant to their Conventions and other established procedures.

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DRAFT



**REGULATIONS RELATING TO FISHERIES,
FISHING AND RELATED ACTIVITIES
FOR THE MARINE FISHERIES SECTOR
IN THE REPUBLIC OF LIBERIA**



**MINISTRY OF AGRICULTURE
MONROVIA, LIBERIA
NOVEMBER 24, 2010**

Fisheries Regulations 2010

A new regulation for the Marine Fisheries Sector in the Republic of Liberia

MINISTRY OF AGRICULTURE BUREAU OF FISHERIES

REGULATIONS RELATING TO FISHERIES/ FISHING AND RELATED ACTIVITIES

Regulations made by the Minister of Agriculture in the exercise of the powers conferred upon the office by section 105 of Chapter 4, Subchapter C of Title 24 of the Laws of The Republic of Liberia (the Natural Resources Law, 1958) and approved as required by such Law and having effect from this 1st day of October A.D. 2010.

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- 1) These Regulations, unless the contrary intention appears, apply to:
 - a. all areas over which the Republic of Liberia exercises jurisdiction or sovereign rights;
 - b. all fishing and related activities, utilisation of fish and genetic material derived from them and any other activity or matter falling within the scope of these Regulations;
 - c. all persons, vessels, vehicles, aircraft, export facilities or other craft or place engaged in or otherwise connected with any activity falling within the scope of these Regulations;
 - d. all persons (including non citizens), and all vessels (including foreign vessels) in and in relation to:
 - i. the Fisheries Waters; and
 - ii. areas beyond national jurisdiction:
 1. following hot pursuit initiated in the Fisheries Waters and conducted in accordance with international law; or
 2. as required pursuant to these Regulations or international conservation and management measures, or permitted by international law or any international agreement; and
 - e. all Liberian fishing vessels and all persons on them or dealing with or having any relevant relationship to them or persons on them, in and in relation to any areas within or beyond national jurisdiction in so far as this is not in conflict with the jurisdiction of another State.
- 2) A fishing vessel is deemed not to be a Liberian fishing vessel if it is registered in a country other than Liberia instead of or in addition to being registered in Liberia.
- 3) These Regulations have extraterritorial application according to their provisions and tenor.

PART II

FISHERIES CONSERVATION AND MANGEMENT

3. Principles for fisheries management

The Bureau shall evaluate which types of management measures are necessary to ensure sustainable management of fisheries, and shall attach importance to the following principles:

- a. a precautionary approach, in accordance with international agreements and guidelines;
- b. an ecosystem approach that takes into account habitats and biodiversity;
- c. effective control of harvesting and other forms of utilisation of resources;
- d. appropriate allocation of resources, which among other things can help to ensure employment and develop the fisheries sector of the Republic of Liberia;
- e. optimal utilisation of resources, adapted to marine value creation, markets and industries; and
- f. ensuring that harvesting methods and the way gear is used take into account the need to reduce possible negative impacts on living marine resources.

4. Conservation and management measures

- 1) In giving effect to its responsibilities for fisheries conservation and management pursuant to these Regulations, the Bureau shall develop, recommend to the Minister, **implement, monitor and enforce conservation and management measures necessary to ensure the long-term sustainable use of fisheries resources in accordance with the principles for fisheries management** set out in Section 3 of these Regulations.
- 2) The Minister shall determine the conservation and management measures taking into account the recommendations of the Bureau. Such measures may include the total allowable catch and/or total applied effort to be allocated in any year to any fisheries sub-sector and the means of implementation of such measures, including by:

- a. the granting of fishing rights to artisanal fishers;
 - b. determining quotas in accordance with these Regulations;
 - c. applying such other measures, rules and standards that may be approved by the Minister and published by the Bureau.
- 3) The Minister may require fishing rights to be granted as a prerequisite for license issuance for artisanal fisheries, in accordance with such requirements as may be prescribed, and may determine the use of a particular type of vessel or gear, or area of fishing, to which a right may be subject. The period of a fishing right shall not exceed 15 years, after which it shall automatically terminate and revert back to the State to be reallocated in accordance with relevant Laws and Regulations.
- 4) The Minister may determine national, group and vessel quotas as follows:
 - a. national quotas shall be determined for a specific period of time and may consist of the maximum permitted quantities of fish that may be harvested, expressed in terms of weight, volume, number or types of fish that may be harvested, expressed in terms of weight, volume, number of individuals, the number of days harvesting or other terms;
 - b. group quotas shall be determined for a specific period of time and may consist of the maximum permitted harvest for each vessel group, gear group or other defined group;
 - c. quotas for individual vessels may be expressed in terms of weight, volume, number of individuals, the number of days harvesting is permitted, or in other terms.
 - d. quotas for research may be allocated to research institutions.
- 5) Conservation and management measures shall be developed, to the extent possible, taking into account consultations with stakeholders, and may be implemented *inter alia* through Fisheries Management Plans, Regulations, public notice, in writing, or otherwise as provided in these Regulations.

5. Fisheries Management Plans

- 1) The Coordinator may cause to be drawn up Fisheries Management Plans for any fishery or area in the Fisheries Waters and shall ensure consultation with relevant stakeholders in the development of each Plan.
- 2) A Fisheries Management Plan may apply to all persons, all vessels and all fishing and related activities.
- 3) Each Fisheries Management Plan shall be consistent with the principles of these Regulations and shall:
 - a. identify the characteristics of the fisheries resource(s) and the area, including as appropriate the
 - ii. current status of the fisheries and the resource;
 - iii. current state of exploitation;
 - iv. relevant traditional artisanal fishing methods and practices;
 - v. boundaries of any relevant area; and
 - vi. relevant regional and international context;
 - b. identify the management objectives and strategy for the fishery;
 - c. as appropriate, identify development strategies for the fishery;

The operator of each fishing vessel entering or exiting the Fisheries Waters shall declare the type and quantity of fish on board by email, High Frequency Radio or facsimile to the Bureau of National Fisheries at least twenty-four (24) hours prior to each entry and exit.

PART IV

LICENSES AND AUTHORIZATIONS - REQUIREMENTS AND PROCEDURES

14. Licenses and authorizations required

- 1) A valid and applicable license issued under the authority of the Bureau shall be required for:
 - a. using a fishing vessel for industrial fishing or related activities in the Fisheries Waters;
 - b. using a fishing vessel for semi-industrial fishing or related activities in the Fisheries Waters
 - c. using a vessel for artisanal fishing in the Fisheries Waters;
 - d. using any vessel for research fishing in the Fisheries Waters; and
 - e. such other activities for which a license is required by an applicable Fisheries Management Plan or as may be prescribed from time to time.
- 2) A valid and applicable written authorization issued by the Bureau shall be required for:
 - a. each transshipment to or from a Liberian fishing vessel in the Fisheries Waters or on the high seas;
 - b. each transshipment to or from a foreign fishing vessel in the Fisheries Waters;
 - c. deployment and maintenance of a fish aggregating device; and
 - d. using a foreign fishing vessel to enter a Liberian port.
- 3) For the purposes of this section and notwithstanding any other provision of these Regulations, the Minister may, in a Fisheries Management Plan or by Notice, declare any activity within the scope of these Regulations to be subject to a license or authorization.

15. Grant, renewal and issuance of licenses and authorizations

- 1) The Coordinator may grant or renew licenses or authorizations for any purposes specified in section 14 of these Regulations or which may be required under any applicable Fisheries Management Plan or international agreement.
- 2) The Coordinator shall, in granting or renewing a license under subsection (1), act in accordance with the procedures required pursuant to these Regulations and such other transparent and accountable standards as may be determined and published.
- 3) The Coordinator shall promptly issue such licenses or authorizations when all required conditions under these Regulations have been met.
- 4) Where the Coordinator declines to issue or renew a license or authorization, she/he shall state in writing reasons for the decision, and promptly transmit them to the applicant.

16. Standards for approval or renewal of licenses and authorizations

- 1) In approving or renewing licenses and authorizations pursuant to these Regulations, and in setting the level of any performance bond required under section 17(1), the Coordinator shall take into account the extent to which the relevant vessel, including its operator or other relevant person, as appropriate, has:

- a. the ability to comply with or has complied with these Regulations, relevant laws of the Republic of Liberia and any applicable licensing terms and conditions, Fisheries Management Plan or international agreement, and such other standards as may be required in writing by the Coordinator;
 - b. the ability to comply with or has complied with other applicable regional and international obligations;
 - c. complied with all applicable vessel registration requirements;
 - d. provided all required data and information;
 - e. in the case of an operator or person, complied with applicable laws of other States and international conservation and management measures; and
 - f. complied with the requirements of the Maritime Law, Title 21 of the Laws of the Republic of Liberia.
- 2) In approving or renewing licenses and authorizations in respect of any foreign fishing vessel pursuant to these Regulations, and in setting the level of any performance bond required under section 17(1), the Coordinator shall take into account the ability of the relevant flag State to ensure compliance by its fishing vessels with the laws of coastal States and international conservation and management measures.

17. Preconditions for license issuance to foreign fishing vessels

- 1) The Coordinator may require as a precondition of issuing a license to any foreign fishing vessel that a performance bond be provided by the applicant in accordance with section 1 of Schedule 1 as a financial guarantee for the fulfilment of all obligations arising out of the license and these Regulations, including potential costs relating to rescue, other cost recovery and fines, penalties or compensation for violations against these Regulations. Such performance bonds shall be drawn upon in accordance with section 2 of Schedule 1.
- 2) A fishing license shall not be issued to a foreign fishing vessel unless an agent has been appointed for that vessel in accordance with subsection (3) for the purpose of receiving and responding to any legal process relating to the foreign fishing vessel, its owner, operator, master and/or crew.
- 3) An agent appointed pursuant to subsection (2) shall be a Liberian citizen or a non-citizen who has resided continuously within Liberia for a period not less than five (5) years immediately prior to the appointment and who does not have a criminal record.

18. Preconditions for license issuance to semi-industrial and industrial fishing vessels

A semi-industrial or industrial fishing license may be approved but shall not be issued or have legal force or effect unless the relevant vessel submits to a pre-fishing inspection at the port of Monrovia and it is established in writing by a fisheries inspector that all required license conditions have been met, including that all gear on board is authorized pursuant to the approved license.

19. Requirements for denial of licenses or authorizations

- 1) A license or authorization shall not be issued where:
 - a. the relevant vessel is not intended for use as a fishing vessel;
 - b. the relevant vessel does not hold a valid and applicable registration, or holds more than one registration;
 - c. the relevant vessel is a foreign vessel and does not have a valid and applicable authorization or license to fish in areas beyond national jurisdiction;
 - d. the issuance of a license would be contrary to any applicable Fisheries Management Plan;

- e. within the previous six (6) years, the applicant, or a vessel or person associated with the applicant, has been convicted of an offence pursuant to these Regulations or any international agreement;
 - f. the applicant, vessel, or associated person has been charged with an offence pursuant to these Regulations more than three times and has:
 - i. not submitted to judicial or administrative procedures; or,
 - ii. has submitted to judicial or administrative procedures but has not fully complied with the final decision or determination;
 - g. the issuance of the license would be inconsistent with an international agreement;
 - h. the fishing vessel is a foreign fishing vessel and has not met requirements for provision of a performance bond or appointment of an agent required under section 17(1);
 - i. the activity is likely to threaten the sustainability of a fishery resource;
 - j. in the case of a foreign fishing vessel, an agent has not been appointed; or
 - k. a vessel has been included on a list of illegal, unreported and unregulated fishing vessels established and maintained by a competent regional fishery body in accordance with its rules and procedures.
- 2) A license or authorization shall not be issued to or renewed for any fishing vessel if that vessel was previously licensed or authorized by a foreign State for fishing within or beyond areas of national jurisdiction and was convicted of a violation under national law or undermined the effectiveness of international conservation and management measures, and, as a consequence:
- a. the foreign State suspended such license or authorization, and the suspension has not expired; or
 - b. the foreign State, within the last three years preceding the application for a license under this Section, withdrew such license or authorization.
- 3) The restriction in subsection (2) does not apply if the ownership of the vessel has changed since the vessel undermined international conservation and management measures, and the new owner has provided sufficient evidence to the Bureau demonstrating that the previous owner or operator has no further legal, beneficial or financial interest in the vessel.
- 4) For the purpose of subsection (1)(e) the term 'associated' shall include situations where the same legal or beneficial owner, or agent is shared.

20. Application for the grant or renewal of licenses or authorizations

- 1) Except where otherwise prescribed, an application for a license or authorization under these Regulations shall:
- a. contain such information as may be required in these Regulations or in writing by the Coordinator or as may be prescribed by regulations;
 - b. be in the relevant form set out in Schedule 2 or such other form as may be approved by the Minister;
 - c. in the case of an industrial fishing vessel, be accompanied by a fishing plan which shall specify for each month of the full period of validity of a licence or authorization, a fishing plan including the:
 - i. fishing gear to be used;
 - ii. species to be targeted for fishing, and expected quantity;
 - iii. species that will constitute by catch and expected quantity; and
 - iv. area in which fishing or related activities will take place;
 - d. be accompanied by such application fee as may be prescribed or required by the Bureau in writing by public notice; and

- e. be made in accordance with such procedures and other requirements as may be approved by the Coordinator.
- 2) A non-refundable application fee shall be payable and shall accompany every application for a license or authorization required pursuant to these Regulations or the renewal of such license or authorization.
- 3) Where:
- a. the Coordinator considers that an application has been made for an inappropriate class of license;
 - b. there is insufficient evidence or information accompanying the application upon which to make a recommendation regarding the application;
 - c. the information accompanying the application appears to be false, misleading or inaccurate; or
 - d. upon such other grounds as may be approved by the Minister,
- the Coordinator shall return the application to the applicant with details of her/his reasons for returning the application, and the applicant may submit a revised application with such additional evidence or information as may be appropriate.
- 4) If the information on an application is found to be false, misleading or inaccurate the Coordinator may decline to grant the license or authorization, or if such information is discovered to be false, misleading or inaccurate after the grant of the license or authorization, the Coordinator may suspend or cancel the license or authorization.

21. Terms and conditions of licenses and authorizations

- 1) A license granted under these Regulations:
- a. shall be subject to the terms and conditions, requirements and endorsements as are provided in these Regulations or as may be otherwise prescribed or required by the Coordinator from time to time;
 - b. subject to subsection (2), enters into force on the date specified in it;
 - c. unless sooner revoked or suspended in accordance with these Regulations, remains in force until the date on which it expires in accordance with the period approved by the Coordinator from time to time for the class of license or authorization to which it belongs; and
 - d. may be subject to a performance bond issued in accordance with section 17(1).
- 2) No license or authorization shall be issued unless:
- a. the approved fee and other required charges have been paid at the required time; and
 - b. where applicable:
 - ii. a performance bond has been issued and notified to the Coordinator; and
 - iii. any access fee and/or other charges payable under any relevant access agreement have been paid.
- 3) The holder of a license or authorization issued under these Regulations shall:
- a. comply with these Regulations, the laws of the Republic of Liberia, any applicable access agreement, Fisheries Management Plan, and international conservation and management measures;
 - b. comply with all relevant provisions of national law relating to navigational standards and the safety of vessels at sea; and
 - c. not engage in fishing or related activities except as stated in the license or authorization.

- (iii) the species of fish returned from the vessel to the sea, the reason for the discard, the quantity of each species by weight or number;
- b. the place of landing or transshipment;
- c. such other information as may be prescribed or as the Coordinator may require; and
- d. certifying that information provided pursuant to sub-paragraphs (a), (b) and (c) are true.

33. Transfer of Semi-industrial and Industrial Fishing Licenses

A semi-industrial or industrial fishing license shall:

- a. be issued to a specific fishing vessel;
- b. be personal to the holder of that license; and
- c. not be transferred to another person or vessel except with the written approval of the Coordinator, and subject to the conditions determined by the Coordinator, including the payment of such fees as may be prescribed or required in writing by the Coordinator.

34. Conditions for artisanal fishing vessels

- 1) Every artisanal fishing vessel shall be marked with a registration number and such other identification markings as may be prescribed or required in writing by the Coordinator.
- 2) On receipt of an application for registration of an artisanal fishing vessel made under these Regulations, the Coordinator, shall as soon as practicable, cause the vessel to which the application refers to be inspected and if, upon such inspection, the vessel is found to be fit for fishing and meets the prescribed safety standards, the Coordinator shall assign identification markings to the vessel and on payment by the applicant of the prescribed registration fee, issue to the owner of the vessel a certificate of registration.
- 3) The Coordinator may:
 - a. determine from time to time the total number artisanal fishing vessels to be licensed and may refuse to license additional artisanal fishing vessels once this number has been met; and
 - b. specify conditions of licensing for an artisanal vessel relating to the area in which it is permitted to fish and the use of its fishing gear.

35. Requirements for transshipment

- 1) The operator of a fishing vessel intending to engage in, or engaging in transshipment shall:
 - a. only transship:
 - (i) at the port of Monrovia or such other port or prescribed area in the Republic of Liberia that may be designated by the Coordinator;
 - (ii) at the time authorized for transshipment; and
 - (iii) pursuant to a valid and applicable authorization issued pursuant to these Regulations and on such terms and conditions that may be required by the Coordinator;
 - b. provide seventy-two (72) hours prior notice, or such other prior notice as may be prescribed or the Coordinator may require, to the Coordinator of a request to tranship any or all of the fish or fish products on board and provide the name of the vessel, its international radio call sign, its

position, the catch on board by species, the time and such other information that may be prescribed or required by the Coordinator;

- c. fulfil the revenue and finance laws of general applicability in the Republic of Liberia; and
 - d. submit full reports on transshipments on forms that may be prescribed or required by Coordinator in accordance with these Regulations.
- 2) The operator of a fishing vessel engaging in transshipment shall comply with such procedures as may be required by the Coordinator, including placement of a fisheries inspector or observer on board, to:
- a. obtain and verify data, including on the quantity and species transshipped; and
 - b. determine when transshipment has been completed,
- and such other procedures as may be prescribed or otherwise required by the Coordinator, or in the case of a Liberian fishing vessel outside areas of national jurisdiction, an applicable international agreement.
- 3) During transshipment in the Fisheries Waters the operator of each vessel shall comply with all applicable laws relating to protection of the marine environment.
- 4) Transshipments shall be subject to such further conditions as may be prescribed or otherwise required by the Coordinator or required in any applicable Fisheries Management Plan.

36. Deployment and maintenance of a fish aggregating device

- 1) No person shall deploy or maintain a fish aggregating device in the Fisheries Waters without receiving prior written authorization by the Coordinator.
- 2) The Coordinator shall issue authorizations for deployment and maintenance of a fish aggregating device in accordance with the principles for fisheries management in section 3 of these Regulations, and may decline to issue an authorization on that basis or attach such conditions as he thinks fit.

37. Prior information and authorization required for use of a port by a foreign fishing vessel

- 1) The operator of a foreign fishing vessel shall provide the Bureau with the information in Schedule 7 no later than twenty-four (24) hours before the estimated time of entry into any port in the Republic of Liberia.
- 2) After receiving the information required pursuant to subsection (1), as well as such other information the Coordinator may require to determine whether the vessel requesting entry into port has engaged in illegal, unreported and unregulated fishing or fishing related activities in support of illegal, unreported and unregulated fishing, the Coordinator shall decide whether to authorize or deny the entry of the foreign fishing vessel into its port and shall communicate this decision to the vessel or to its representative.
- 3) The operator of a foreign fishing vessel shall not use a port in the Republic of Liberia for landing, transshipping, packaging or processing of fish or for other port services including, *inter alia*, refuelling and resupplying, maintenance and drydocking, unless a written authorization for the use of such port has been issued by the Coordinator.

ensure that any person that harvests, receives, transports, stores or processes fish or places them on the market documents the information needed to make it possible at all times to trace fish and other resources back to a catch registered on a landing or sales note:

- a. holders of licenses, permits, endorsements or other authorities or approvals issued or granted under these Regulations;
- b. owners, operators, representatives, agents, and masters of fishing vessels licensed under these Regulations;
- c. owners or operators of any fishing vessel required to be registered pursuant to these Regulations;
- d. owners and persons in charge of any premises where fish or fish products are received, bought, sold, stored, transported, processed or otherwise disposed of; and
- e. any other person who is carrying out activities under the scope of these Regulations.

43. Registers to be maintained by the Bureau

- 1) The Bureau shall maintain registers which shall record details of:
 - a. each license issued pursuant to these Regulations;
 - b. each authorization issued pursuant to these Regulations;
 - c. each fishing vessel registered pursuant to these Regulations; and
 - d. such other matters as may be prescribed or required by the Coordinator.
- 2) The Bureau shall permit members of the public to inspect the register required to be maintained pursuant to subsection (1) during office hours. The Bureau may charge a reasonable fee for copies of the register.

PART VII

MONITORING, CONTROL, SURVEILLANCE AND COMPLIANCE

44. Monitoring, control and surveillance responsibility and functions

- 1) The Bureau shall have primary responsibility for the monitoring, control and surveillance of all activities falling within the scope of these Regulations and international agreements, and its functions shall include, *inter alia*, to:
 - a. monitor activities that fall within the scope of these Regulations, including the provision of information and data;
 - b. carry out surveillance over activities falling within the scope of these Regulations; and
 - c. ensure compliance with these Regulations.
- 2) In discharging the functions and responsibilities of the Bureau, the Coordinator shall coordinate and collaborate with relevant Government Ministries and agencies, including:
 - a. the Liberian Coast Guard, pursuant to its mandate in section 4.3 of the *National Defense Act of 2008* to render assistance with the protection of marine resources, including fisheries;
 - b. the Bureau of Maritime Affairs;
 - c. the Liberian National Police;
 - d. the Ministry of Justice; and
 - e. Bureau of Immigrations and Naturalization (BIN).

45. Fisheries inspectors – authority and functions

- 1) Fisheries inspectors shall exercise monitoring, control, surveillance and compliance functions pursuant to these Regulations:
 - a. within areas under national jurisdiction; and
 - b. in relation to such other laws and international conservation and management measures beyond areas of national jurisdiction in accordance with any international agreement.
- 2) Where fisheries inspectors exercise functions pursuant to subsection (1)(b), the provisions of these Regulations are applicable as if the duties were performed in areas under national jurisdiction.
- 3) The following persons are deemed to be fisheries inspectors for the purposes of these Regulations:
 - a. the Coordinator;
 - b. public officers employed by the Bureau who are appointed in writing by the Coordinator as fisheries inspectors;
 - c. officers of the Bureau of Immigration and officers of the Liberian National Police of the rank of sergeant or above, with the approval of the Minister of Justice;
 - d. members of the Liberian Coast Guard, with the approval of the Minister of Defence.
- 4) The Coordinator, in consultation with the Minister may, in writing, based on such criteria as may be prescribed, authorise experienced foreign fisheries inspectors who have taken an oath to enforce these Regulations to exercise the rights and responsibilities of a fisheries inspector:
 - a. in the Fisheries Waters; or
 - b. on behalf of Liberian fisheries inspectors in areas beyond national jurisdiction,

in accordance with these Regulations and any applicable international agreement, and such inspectors shall have full legal status under these Regulations and the jurisdiction of the Republic of Liberia for the purposes of these Regulations.

46. Appointment of fisheries inspectors

- 1) In addition to Section 46(3) the Coordinator may, in writing, appoint any other trained and qualified person or category of persons as fisheries inspectors for the purposes of these Regulations, and such personnel shall exercise all powers and privileges accorded by these Regulations and as may be conferred on national police officers and members of the Liberian Coast Guard.
- 2) The Coordinator may limit the exercise of any powers and functions of a fisheries inspector to a specific area or period of time.

47. Powers of fisheries inspectors

- 1) The application of this section extends to all activities falling within the scope of these Regulations.
- 2) A fisheries inspector may, for purposes of monitoring, control, surveillance, enforcement and/or administration of these Regulations and activities that fall within its scope, without a warrant:
 - a. stop, board, enter, search and stay on board for purposes of exercising his or her powers under these Regulations:
 - i. any vessel in the Fisheries Waters which she/he has reason to believe has been used, is being used or is intended to be used for fishing or a related activity;
 - ii. any Liberian vessel outside the Fisheries Waters; or

ATTACHMENT 8

Spreadsheet Identifying Reefer Vessels Currently Registered in Liberia

**LIBERIAN FLAGGED REEFER VESSELS AUTHORIZED TO ENGAGE IN TRANSSHIPMENT
ACTIVITIES**

Vessel Name	Call Sign	IMO No.	Flag State	Status
FRIO OLYMPIC	A8EJ6	8801802	Liberia	Active
PRINCE OF SEAS	A8JI5	9014444	Liberia	Active
FRIO IONIAN	ELPE2	9014793	Liberia	Active
TAGANROGSKIY ZALIV	A8UC4	9016973	Liberia	Active
BONAIRE TRADER	D5GP9	9340922	Liberia	Active
GREEN GLACIER	D5HI8	9004401	Liberia	Active



REPUBLIC OF LIBERIA
MINISTRY OF FOREIGN AFFAIRS
MONROVIA, LIBERIA

Office of the Minister

Mr. Rondolph Payet
Secretary
Indian Ocean Tuna Commission
2nd Floor, Le Chantier Mall
P.O. Box 1011
Victoria, Mahe, Seychelles

February 12, 2015

RE: Liberia's Application for Cooperating Non-Contracting Party Status

Dear Mr. Secretary:

This letter serves as Liberia's application for cooperating Non-Contracting Party ("CNCP") status with the Indian Ocean Tuna Commission ("IOTC"). Please note that our reason for attaining CNCP status is because we have in our Liberian Registry reefer vessels that participate in transshipment activities in the IOTC Convention Area. The following information comprises the requirements for CNCP status and submitted in support of Liberia's APPLICATION:

1. Where available, data on historical fisheries in the IOTC Area, including nominal catches, number/type of vessels, name of fishing vessels, fishing effort and fishing areas;
2. All the data that Contracting Parties have to submit to IOTC based on the resolutions adopted by IOTC;
3. Details on current fishing presence in the IOTC Area, number of vessels and vessel characteristics;
4. Information on any research programs conducted in the IOTC Area and the information and the results of this research;
5. Commitment to respect the Commission's conservation and management measures and;
6. Inform IOTC of the measures to ensure compliance by Liberian flagged vessels of IOTC's conservation and management measures;
7. Draft Marine Notice and relevant sections of the Liberian Fisheries Regulations; and
8. Spreadsheet identifying reefer vessels currently registered in Liberia.

Kindly revert with an acknowledgement and advise whether Liberia can be granted CNCP status.

Sincerely,


Augustine Kpelle Ngafuan
MINISTER