



Food and Agriculture
Organization of the
United Nations

Legal report on the ecosystem approach to fisheries in Liberia

An analysis of the ecosystem approach to fisheries in selected
national policy and legal instruments of Liberia

FAO EAF-Nansen Programme Report No. 62
EAF-N/PR/62 (En)

A decorative graphic at the bottom of the page consisting of several thick, wavy blue lines representing water. Several small, stylized blue fish are scattered throughout the waves.

PROGRAMME REPORT

THE EAF-NANSEN PROGRAMME

The EAF-Nansen Programme “Supporting the Application of the Ecosystem Approach to Fisheries Management considering Climate and Pollution Impacts” supports partner countries and regional organizations in Africa and the Bay of Bengal improving their capacity for the sustainable management of their fisheries and other uses of marine and coastal resources through the implementation of the Ecosystem Approach to Fisheries (EAF), taking into consideration the impacts of the climate and pollution.

The Programme is executed by the Food and Agriculture Organization of the United Nations (FAO) in close collaboration with the Institute of Marine Research (IMR) of Bergen, Norway, and funded by the Norwegian Agency for Development Cooperation (Norad). This Programme is the current phase of the Nansen Programme which started in 1975.

The aim of the Programme is that sustainable fisheries improve food and nutrition security for people in partner countries. It builds on three pillars, Science, Fisheries Management, and Capacity Development, and supports partner countries to produce relevant and timely evidence-based advice for management, to manage fisheries according to the EAF principles and to further develop their human and organizational capacity to manage fisheries sustainably. In line with the EAF principles, the Programme adopts a broad scope, taking into consideration a wide range of impacts of human activities and natural processes on marine resources and ecosystems including fisheries, pollution, climate variability and change.

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**Legal report on the
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Required citation:

Nakamura, J.N. & Amador, T. 2023. *Legal report on the ecosystem approach to fisheries in Liberia – An analysis of the ecosystem approach to fisheries in selected national policy and legal instruments of Liberia*. FAO EAF-Nansen Programme Report No. 62. Rome. <https://doi.org/10.4060/cc4140en>

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ISBN 978-92-5-137588-4

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Abstract

Legislating for the ecosystem approach to fisheries (EAF) is complex, due to the holistic nature of the EAF involving multiple factors that underpin the social, economic, environmental, and institutional aspects of fisheries sustainability. These factors include ecosystems integration, risks, intersectoral collaboration, research, participatory processes, monitoring, control, surveillance, and enforcement, among others. To assess how the EAF is being implemented through national policy and legal frameworks, FAO developed [*A diagnostic tool for implementing an ecosystem approach to fisheries through national policy and legal frameworks*](#).

The present legal report on the EAF used the diagnostic tool to assess the alignment of selected policy and legal instruments of Liberia with the EAF. This assessment analysed the extent to which 82 EAF legal requirements, which are considered the minimum standards in legislating for the EAF, are reflected in Liberia's policies and legislation relevant to the fisheries sector of the country and other relevant sectors (such as environment, wildlife, ecosystems, and maritime affairs). Based on this preliminary diagnosis, gaps were identified in the assessed instruments, and recommendations were made for improving the implementation of the EAF.

This report was elaborated following a participatory approach with the involvement of the national competent authorities of Liberia. Drafted in July 2021, the report was submitted to the national authorities of Liberia in November 2021.

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Acknowledgements

This EAF Legal Report is a product of the Development Law Service (LEGN) of FAO's Legal Office in collaboration with the Assessment and Management Team (NFIFM) of FAO's Fisheries and Aquaculture Division, and the EAF-Nansen Programme. Funding for the projects "Strengthening the Knowledge Base for and Implementing an Ecosystem Approach to Marine Fisheries in Developing Countries (EAF-Nansen GCP/INT/003/NOR)" and "Supporting the Application of the Ecosystem Approach to Fisheries Management considering Climate Change and Pollution Impacts" (EAF-Nansen GCP/GLO/690/NOR) has been provided by the Norwegian Agency for Development Cooperation (Norad). FAO is grateful to Norad for this assistance.

The initial draft of this EAF Legal Report was prepared by Julia Nakamura, under the supervision, counsel and technical input of Pio Manoa, and extensively reviewed by Teresa Amador. Further improvements were made through the inputs and comments collected from participants in an FAO internal online mock-training in April 2020, in which the methodology and scope were clarified. Appreciation is extended to Blaise Kuemlanguan, Buba Bojang and Minmin Lei of LEGN, Merete Tandstad of NFIFM, the participants of the mock-training, and all other FAO colleagues who supported the development of this EAF Legal Report.

This EAF Legal Report also benefitted from the important contributions of the National Fisheries and Aquaculture Authority (NaFAA) of Liberia, which provided substantive additional information valuable to this report. We are also grateful to the delegates of Liberia who, following the *First Online regional workshop on the use of the Diagnostic Tool on Implementing an EAF through policy and legal frameworks* (15–17 September 2020), have conducted their own assessment, applying the EAF Legal Checklist against selected policy and legal instruments of Liberia. The findings of this country assessment were incorporated into the present EAF Legal Report, improving the overall information reported.

Abbreviations and acronyms

CECAF	Eastern Central Atlantic Fisheries
COMHAFAT	Ministerial Conference on Fisheries cooperation among African States Bordering the Atlantic Ocean
EAF	ecosystem approach to fisheries
EIA	environmental impact assessment
EPA	Environmental Protection Agency (of Liberia)
FAO	Food and Agriculture Organization of the United Nations
FCWC	Fishery Committee for the West Central Gulf of Guinea
FMP	fishery management plan
ICCAT	International Convention on the Conservation of Atlantic Tunas
IMO	International Maritime Organization
IUU	illegal, unreported and unregulated (fishing)
LCG	Liberian Coast Guard
LDEA	Liberia Drugs Enforcement Agency
LiMA	Liberia Maritime Authority
LIS	Liberia Immigration Service
LNP	Liberia National Policy
MCSE	monitoring, control, surveillance and enforcement
MCSCC	MCS Coordination Committee (of Liberia)
MOJ	Ministry of Justice (of Liberia)
NaFAA	National Fisheries and Aquaculture Authority (of Liberia)
NGO	non-governmental organization
NPHIL	National Public Health Institute of Liberia
NPOA	National Plan of Action
RFMO/A	regional fisheries management organization and/or arrangement
TAC	total allowable catch
VMS	vessel monitoring system

1. Introduction: legislating for the ecosystem approach to fisheries

The Food and Agriculture Organization of the United Nations (FAO) has promoted the implementation of the ecosystem approach to fisheries (EAF) through various activities conducted over the last decades (FAO, 2019), many of which under the EAF-Nansen Programme (FAO, n-d). Among the many ways or processes through which the EAF can be implemented is the review of national policies and/or legislation, which provides a country the opportunity to reassess its respective policy and legal frameworks, identify the gaps and/or needs for improvement, and present recommendations for enacting new policy and/or legal instruments for the EAF, and/or amending the existing ones so that they are appropriately aligned with the EAF.

FAO's initiative to promote legislating for the EAF has been undertaken through the development of studies, guidance materials and tools (Skonhoft, 2011; FAO, n.d-b; FAO, 2016; FAO, 2021a, 2021b, 2021c, 2021d, 2021e).

1.1 A diagnostic tool for implementing the ecosystem approach to fisheries through national policy and legal frameworks

The latest material developed by FAO for the implementation of an EAF through national policy and legal frameworks, published in 2021, is [A diagnostic tool for implementing an ecosystem approach to fisheries through national policy and legal frameworks](#) (hereafter referred to as "EAF Legal Diagnostic Tool" (FAO, 2021a, 2021b, 2021c). This tool, which constitutes the basis for the development of the present report, provides important information about the EAF and should be read together with this report. Such relevant information includes a non-exhaustive list of international legal instruments that support the EAF (Appendix A of the EAF Legal Diagnostic Tool), and a non-exhaustive list of examples of selected national policy and legal instruments relevant for an EAF (Appendix B of the EAF Legal Diagnostic Tool).

The Appendix C of the EAF Legal Diagnostic Tool provides the EAF Legal Checklist for Assessment and Implementation of the EAF Policy and Legal Frameworks (hereafter referred to as "EAF Legal Checklist"), based on which the level of alignment of a country's policy and/or legal frameworks with an EAF and the 17 EAF Components can be assessed (FAO, 2016).

1.2 International legally binding instruments and non-legally binding instruments relevant to an ecosystem approach to fisheries

There are several international legally binding and non-legally binding instruments that provide for the EAF. The Appendix A of the EAF Legal Diagnostic Tool highlights, in a non-exhaustive list, selected provisions of international instruments or decisions relevant for the EAF. Other legally binding instruments in support of the EAF are the applicable conservation and management measures of regional fisheries management organizations/arrangements

(RFMO/As) which should also be taken into account, on a country-by-country basis, in the assessment of a given country’s EAF commitments.

It should further be noted that provisions of international non-legally binding instruments that reflect principles of international law are also legally binding and therefore relevant in the analysis of the national policy and legal frameworks.

States which are a party to multilateral conventions or agreements, as well as States which adopt or endorse international non-legally binding instruments that reflect principles of international law have the duty to align their national policy and legal frameworks with the obligations that derive from such international and regional instruments.

In light of these considerations, Table 1 below provides the present status of Liberia in respect to the EAF’s relevant international legally binding instruments selected from Appendix A of the EAF Legal Diagnostic Tool.

Table 1. Status of Liberia in selected international legally binding instruments relevant to the EAF	
Instrument	Status
1971 Ramsar Convention on Wetlands of International Importance	Party
1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora	Party
1979 Convention on the Conservation of Migratory Species of Wild Animals	Party
1982 United Nations Convention on the Law of the Sea	Party
1992 Convention on Biological Diversity	Party
1993 Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (Compliance Agreement)	Not a Party
1995 United Nations Agreement for the Implementation of the Provisions of the LOSC relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFSA)	Party
2009 Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing	Party

Note: In accordance with the information provided in the secretariats of the international conventions and agreements as of December 2022.

For the international legally binding instruments that Liberia **is a Party**, and to the non-binding instruments that Liberia has endorsed or adopted, it is important to ensure that the relevant provisions of an EAF highlighted in Appendix A of the EAF Legal Diagnostic Tool are properly reflected in the national policy and legal frameworks.

With regard to the 1993 Compliance Agreement that Liberia is **not yet a Party**, it is important to identify and analyse the reasons preventing the country’s consent to be bound by such instruments and raise awareness to the importance of the international fisheries governance framework. Such analysis is however beyond the scope of this report.

2. Legal report on the ecosystem approach to fisheries: assessing a country's policy and legal framework

The EAF Legal Diagnostic Tool was the main tool used for the preparation of this report (hereafter referred to as the “EAF Legal Report”). Selected national policies and legislation were assessed and applied against the EAF Legal Checklist.

This section is divided into two subsections. Subsection 2.1 describes the methodology and scope, including the selection of the national policy and legal instruments relevant for an EAF and the assessment of the EAF legal requirements in such instruments by filling in the EAF Legal Checklist using the symbols under Table 3 below. Subsection 2.2 provides an overview of main findings, highlighting some specific parts of the policy instruments and legal provisions identified as good practice in legislating for or addressing an EAF, and summarizes the information provided by Liberia under the EAF legal questionnaire.

2.1 Methodology and scope

Understanding the complexities, detail and broad range of matters that the EAF comprises is a challenge due to *inter alia* its holistic nature and the context and priorities of each country. A simplified assessment methodology was therefore developed for the application of the EAF Legal Checklist against the selected national policy and legal instruments, leading to the compilation of this report.

During the elaboration of this EAF Legal Report, the NaFAA of Liberia (hereinafter referred to as “National EAF-Focal Point”) was contacted and provided additional information concerning the implementation of the EAF at national level, which has been included in this report.

This desk-based preliminary assessment cannot however replace an in-country detailed assessment of the national policy and legal frameworks.

2.1.1 Selection and collection of national policy and legal instruments of Liberia

The main source for the selection and collection of national policies and legal instruments was FAOLEX (FAO, n.d-b) which, besides the Constitutions of countries, provides a vast electronic repository of national policy and legal instruments on fisheries and other sectors relevant for an EAF, including on environment, sea, water, and wild species and ecosystems.¹

Additional relevant information was provided by the National EAF-Focal Point, which, together with the relevant information for the EAF available at FAOLEX, is listed under **Appendix A** and identified by a reference letter and number to facilitate their citation in the EAF Legal Checklist provided in **Appendix B** of this report. Appendix A and Appendix B shall therefore be read together.

¹ Notwithstanding the importance of certain intersectoral issues such as gender and climate change, these were not considered in this report.

2.1.2 Desk-based stepwise assessment of selected national policy and legal instruments

The selected national policy and legal instruments relevant for the EAF under **Appendix A** of this report were assessed against the EAF Legal Checklist following the steps described in Table 2 below.

Table 2. Summary of the stepwise assessment		
Steps	National policy and legal instruments analysed	Scope
1st	Fisheries policy: a plan, policy, strategy, action plan, policy chart concerning fisheries, aquaculture, wildlife, sea and/or oceans, sustainable development, management and/or conservation.	Searching for the EAF legal requirements with a focus on the parts of the policy that address the principles, objectives, plans, priorities, recommendations, strategies and actions.
2nd	Fisheries primary legislation: a fisheries act, code, law, or any other type of instrument implementing the fisheries policy as well as the general law on fisheries, forestry and wildlife providing the legal framework for fishing and fishing related activities. It is the main legal instrument on fisheries, which contains the typical outline and broadly covers the subjects described in subsection 3.1 of the EAF Legal Diagnostic Tool. It should be noted that this typical outline is without prejudice to the particular structure of the fisheries primary legislation of the assessed country.	Searching for the EAF legal requirements in each provision of the fisheries primary legislation.
3rd	Fisheries secondary legislation implementing or elaborating the fisheries primary legislation: fisheries decree, regulation, order, ordinance which sets out in more detail the requirements of the fisheries primary legislation – concerning e.g. fishing vessel registration, fishing vessel requirements, vessel monitoring system (VMS), fisheries research, fisheries fund, small-scale fisheries.	Searching for the EAF legal requirements not found in the relevant parts of the fisheries policy nor in the provisions of the fisheries primary legislation.
4th	Other sector's primary legislation: an act, code or law on the relevant sectors of <i>inter alia</i> environment, sea, water, and wildlife species and ecosystems.	Searching for the EAF legal requirements not found in the relevant parts of the fisheries policy nor in the provisions of the fisheries primary and secondary legislation.
5th	Other sector's secondary legislation: a decree, regulation, order, ordinance regulating the primary legislation of other sectors assessed under step 4.	Searching for the EAF legal requirements not found in the relevant parts of the fisheries policy nor in the provisions of any of the previously assessed legal instruments.

The NaFAA conducted its own assessment, applying the EAF Legal Checklist against selected policies and legislation of Liberia. The information provided and the results of the country self-assessment have been incorporated in this report.

2.1.3 Filling in the Ecosystem Approach to Fisheries Legal Checklist of Liberia

The EAF Legal Checklist provides the EAF legal requirements structured by the 17 EAF Components, based on a stepwise methodology (FAO, 2021, Subsection 2.2), and in accordance with the typical subjects of a fisheries primary legislation, without prejudice to the particular structure of the fisheries primary legislation of Liberia (FAO, 2021, Subsection 3.2). In filling it in, priority was given to assessing the EAF legal requirements in the fisheries policies and primary/secondary legislation. In this process, the different symbols presented in Table 3 below were used.

Symbol	Perceived level of alignment with the EAF legal requirement	
✓	Full or sufficient	Part(s) in the assessed fisheries policy or provision(s) in the assessed legislation <u>totally incorporates</u> the EAF legal requirement.
∅	Partial or insufficient	Part(s) in the assessed policy or provision(s) in the assessed legislation <u>partially incorporates</u> the EAF legal requirement. ²
X	None or inexistent	No part in the assessed policy nor provision in the assessed legislation was found that incorporates the EAF legal requirement.
●	Not considered	No assessment was carried out since the EAF legal requirement was fully or sufficiently found in the primary fisheries policy/legislation, or in the primary legislation of other sector.
N/A	Not applicable	The EAF legal requirement is exclusively relevant to fisheries (that is the case of all the EAF legal requirements under Fisheries Management, Monitoring, Control, Surveillance and Enforcement (MCSE) and almost all of those under enforcement processes and sanctions scheme) and therefore not applicable to other sector's legislation.
*	Optional	The EAF legal requirement is considered to have a non-mandatory nature and therefore is not expected to be found in the assessed policy or legal instrument.

The last two columns of the EAF Legal Checklist indicate: **(i)** the parts of the policy instruments and legal provisions where the EAF legal requirement was found; and **(ii)** additional relevant comments and explanatory notes that clarify, where appropriate, nuances in assessing the policy and legal instruments and the rationale for the assessment of partial or insufficient coverage of the EAF legal requirements. It should be noted that these additional comments and explanatory notes will benefit from a more in-depth analysis during the comprehensive review at country level.

The results of this assessment are presented in **Appendix B** of this report which provides the EAF Legal Checklist applied against the selected policies and legislation of Liberia.

2.1.4 Additional observations

While filling in Appendix B, some parts of the policy framework and some provisions of the legal framework which in some cases are anchored in the Liberia Constitution of 1986, were considered particularly relevant in incorporating the EAF legal requirements. These parts and legal provisions which, without prejudice to others that may also be relevant, were considered good examples of addressing an EAF (in the case of a policy instrument) or legislating for an EAF (in the case of a legal instrument), have been highlighted in the main findings under subsection 2.2 below as good practice in legislating for an EAF.

2.1.5 EAF Legal Questionnaire of Liberia

The National EAF-Focal Point filled in the EAF Legal Questionnaire, which was developed by the project to collect additional relevant information from the assessed country. The results of the questionnaire are summarised under the section below.

² A more in-depth analysis will be required to understand how EAF legal requirements filled in with the ∅ symbol could be fully incorporated in legal and policy instruments or reflect potential contradictions between one legal and/or policy instrument and another. Such analysis goes beyond the scope of this desk-based preliminary assessment.

2.2 Overview and main findings

This subsection provides an overview of the main findings of this desk-based preliminary assessment of the EAF in the selected national policy and legal instruments of **Liberia** presented under **Appendix B** and a summary of the additional relevant information provided under the EAF Legal Questionnaire of Liberia.

2.2.1 Fisheries policy

The assessed eight fisheries policies correspond to A1 to A8 in Appendix A. They cover **38** of the 82 EAF legal requirements.

The main fisheries policy is the *National Fisheries and Aquaculture Policy and Strategy of 2014*, which is aligned with an EAF in various ways. Its vision is of a vibrant and sustainably managed fisheries sector capable of, *inter alia*, engaging participatory fisheries management institutions based on community and stakeholder structures for the creation of opportunities for socioeconomic development (Chapter 2[2.1]). Its overall goal is to achieve sustainably managed and economically viable fisheries that generate prosperity for the present and future generations (Chapter 2[2.2]), with the mission of promoting adaptive research, community and stakeholder participation in fisheries management and development, and enhancing MCS capabilities (Chapter 2[2.3]). Principles guiding this Policy include: sustainability that “implies maintaining essential ecosystems functions and preserving a healthy habitat consistent with the EAF”; transparency that “implies accountability and openness in access to information in the elaboration of plans and decision-making”; inclusiveness, decentralization and securing small-scale fisheries access (Chapter 2[2.6]).

Strategies of this policy set out, among others, the conservation of aquatic ecosystems, associated ecological processes for the protection of the environment, including biodiversity, through the incorporation of the EAF and its human dimensions to fisheries management systems (Chapter 3[3.2.2.]). Also relevant for an EAF is the development and promotion of conflict management mechanisms and structures through the promotion of participatory processes, capacity-building of a national conflict management committee as well as sub-committees on alternative conflict management mechanisms (Chapter 3[3.2.6]). Another important strategy for an EAF is the implementation of a comprehensive adaptive research programme for strengthening fisheries research, conduct research in traditional fisheries management strategies and incorporate lesson learning and best practices into current systems of co-management, and conduct research to assess effects of climate or environment change on fishery, ecosystems and people depending on them (Chapter 3[3.6.3]). As part of the institutional arrangements for implementing this policy, it is worth noting the two national collaborating institutions, namely the MCS Coordinating Committee (MCSCC) and the National Maritime Security Committee, each of which are composed by multi-sectoral authorities, and which are respectively dedicated to fisheries surveillance and to the development and implementing of the national maritime security strategy (Chapter 4[4.1.5]).

Stakeholder participation is promoted through the Fisheries Co-Management Office, the National Co-management advisory body and the Fisheries Management Board – the latter composed by representatives from academia, research, artisanal fisheries, ministries and other members (Chapter 4[4.1.3]). This fisheries policy also details four fishery management plans, whose objectives include “enhancing the well being of the ecosystem by preserving and minimizing adverse effects” and “enhancing the ecosystem”, which are consistent with biodiversity and integrated coastal zone management (Appendix II). In the action plan for the operationalization of the policy framework, the responsible authority(ies) involved, and the timeline are specified for each management intervention corresponding to the strategies as well as promoting international cooperation for management of shared stocks and fostering sustainable fisheries investments to, *inter alia*, support participation in the fisheries sector (Appendix III).

The *National Biodiversity Strategy and Action Plan-II of 2017–2025* is guided by principles aligned with an EAF, including: ensuring the continual monitoring and evaluation of biodiversity status and trends; building an inclusive plan to incorporate stakeholders’ participation; building strong mechanism for awareness creation and education and a special emphasis on ecosystem and habitats managements (Chapter 4[4.4]). The policy’s five strategic goals and targets include addressing the underlying causes of biodiversity loss, reducing the direct pressures on biodiversity and promoting sustainable use, improving the status of biodiversity, enhancing the benefits to all from biodiversity and ecosystem services and enhancing the implementation through participatory planning, knowledge management and capacity building (Pages 61–63). Of particular relevance for an EAF is the commitment that by 2022, ecosystems that provide essential services and contribute to health, livelihoods and well-being, are safeguarded, and restoration programmes are initiated for degraded ecosystems covering at least 15 percent of the priority areas (Page 63).

The following actions are relevant: conducting baseline surveys of marine protected ecosystems to determine their current conservation status, threats they face, and status of endangered or threatened animals and plants, establishing additional ecologically representative protected areas, update or develop management plans for protected areas and ensuring robust enforcement of regulations to protect endangered or threatened species (Page 67). This policy also delineates the role of government authorities and mandates the Environmental Protection Agency (EPA) to, *inter alia*, coordinate, integrate and harmonize environmental concerns in overall national planning (Chapter 6[6.1.1]). The financial and resource mobilization mechanism includes the creation of an integrated system of incentives and des-incentives at national and local levels to encourage conservation and sustainable use of biodiversity through the provision of grants for the restoration of degraded lands (Pages 78–79).

The *National Plan of Action to prevent, deter and eliminate Illegal, Unreported and Unregulated Fisheries (NPOA-IUU) of 2018*, provides several actions to combat IUU fishing, including: strengthening vessel monitoring system (VMS) legislation to ensure that all large vessels are required to use VMS as a licensing condition; coordinating fisheries enforcement tasking with the MCSCC; strengthening the MCSCC; eliminating overfishing and minimizing the risk of irreversible damage to ecosystems (Pages 27–28). Cooperation between Liberia and other States through regional fisheries bodies (RFBs) is also emphasized with regard to

monitoring, data collection, assessment of shared fishery stocks as well as implementation of recommendations and measures of the relevant RFBs (Pages 27–28).

Other two fisheries policies relevant for an EAF are: the *National Export Strategy Fish and Crustaceans Export Strategy 2014–2018*, whose operational objectives include supporting decision-making ability and opportunities for female actors along the value-chain and ensuring that sector operations maintain environmental balance (Page 39); and the *draft NPOA for Sharks and Rays of 2019*, which provide strategic objectives of, *inter alia*, improving and developing frameworks for establishing and coordinating effective consultation with all stakeholders in biological, social and economic research, fishery management and educational initiatives within Liberia and between regional states.

The following three policies also have specific elements relevant for an EAF. The *National Capacity Development Plan of 2010* which defines core functions of the National Capacity Development Unit, that involve stakeholder participation, technical advice for national capacity development, advocacy for integrated approach to capacity development in Liberia, knowledge management and coordination of government and partner programmes in capacity development (Pages 38–39). The *National Adaptation Plan Process of 2008*, which is focused on climate change adaptation, includes strategic responses that are relevant for the institutional arrangements and interministerial coordination such as enhancing coordination among relevant institutions and promoting comprehensive periodic coordination meetings (Page 16). The *National Food Security and Nutrition Strategy of 2008* has a clear delineated scope (Pages 5–6) and also provides for the roles and responsibilities of the relevant institutions, including the Food Security and Nutrition Stakeholders Forum, which meets once a year to assess the progress on the implementation of this national policy and make relevant recommendations (Page 36).

2.2.2 Fisheries primary legislation

The assessed two fisheries primary legislation corresponds to B1 and B2 in Appendix A. They cover **47** of the 82 EAF legal requirements.

The *Fisheries and Aquaculture Management and Development Law of 2019* (hereinafter referred to as “*Fisheries Law*”) is the main fisheries primary legislation. It is guided by several principles that are relevant for an EAF, including: the application of the EAF itself as well as the precautionary approach at a standard equal or superior to agreed international standards, taking into account the conservation of habitats and biodiversity (Section 2.2[d]); prevention or elimination of overfishing and excess capacity (Section 2.2[i]); the interests of artisanal and subsistence fishers through their participation in the management of their respective fisheries (Section 2.2[k]); and the promotion of broad and accountable participation by stakeholders in conservation, management, development and sustainable use of fisheries resources (Section 2.2[l]). The Fisheries Law principles and objectives shall also guide the National Fisheries and Aquaculture Policy, briefly assessed in the section above, to be reviewed and as necessary revised every 5 years (Section 2.3[4]).

The Fisheries Law provides relevant rules for broadening stakeholder participation in fisheries management and conservation. Any fishing community or communities may apply to the

NaFAA for the designation of a fisheries co-management area within the marine areas under Liberia's jurisdiction (Section 3.2[2]). Upon the Director General's approval, Co-management Fisheries Associations can be established to exercise rights and responsibilities within such designated area which are in charge of developing a fisheries management plan for the co-management area (Section 3.2[5][6]). The NaFAA is also in charge of providing, to each Association, guidance for fisheries conservation and management, technical support, assistance on data collection, training and capacity building in fisheries management (Section 3.2[10]). The Law also allows the NaFAA to delegate powers to an association on *inter alia* taking specified fisheries management measures, designating persons for cooperation with fisheries inspectors or the police and monitoring fisheries activities (Section 3.2[11]).

Another provision relevant for an EAF requires that conservation and management measures determined by NAFAA to take into account measures for the same stock or stocks of fish, or associated or dependent species, established for high seas fisheries by a sub-regional or regional organisation or arrangement to which Liberia is a party or cooperating non-party (Section 4.1[4]). Conservation and management measures shall be developed in accordance with best available scientific advice and in consultation with stakeholders (Section 4.1[5]). The development of fisheries management plans (FMPs) requires consultation with relevant stakeholders, review and due public notice by the NaFAA (Section 4.2). The Fisheries Law also contains specific prohibitions on fishing techniques and gear (Section 4.6) and shark fishing, including shark finning, the possession, storing, transshipping or landing, or attempting to tranship, land, buy or sell any shark fin that is not naturally attached to the whole respective carcass, nor any species of sharks that is prohibited by any international conservation and management measure (Section 4.7[2]). The NaFAA may declared by notice and in consultation with various entities, including the EPA, the Forestry Development Agency and the Maritime Authority, Special Management Areas for the purpose of, *inter alia*, implementing conservation and management measures, co-management or promoting sustainable livelihoods for local fishing communities (Section 4.16).

The Fisheries Law requires a fisheries impact assessment before conducting an activity which does not fall under the scope of the Fisheries Law, is likely to have an impact on the fisheries resources of Liberia and is listed in Annex I of the 2003 Environment Protection and Management Law (see below) (Section 4.18[1]). It requires the Director General to coordinate with the EPA the undertaking of the fisheries impact assessment and its requirements (Section 4.18[2]). A licensing scheme is detailed, outlining terms and conditions of licenses, period of validity, fees, conditions for suspension and termination, and specific licensing conditions for national fishing vessels, foreign fishing vessels, industrial fishing, semi-industrial fishing, artisanal and recreational fishing, and inland fisheries (Sections 10.1–10.23). MCSE is also detailed with provisions that set out the powers and functions of fisheries inspectors (Sections 11.2–11.6) as well as an observer programme in line with international and regional standards (Sections 11.17–11.23). The installation, operation and maintenance of a VMS transponder is mandatory for any industrial fishing vessel, as a condition of the license (Section 11.27). The Fisheries Law provides for both administrative and judicial processes (Sections 13.1–14.3).

The *National Fisheries and Aquaculture Act of 2017* contains similar provisions and is guided by the same general principles of the Fisheries Law, including the precautionary and

ecosystem approaches (Section 2.2). It establishes the NaFAA and outlines its numerous functions, from management and conservation of fisheries and aquaculture, including water quality and biodiversity, to liaison with national and local governments and communities, States, regional and international organizations and other stakeholders on matters concerning fisheries and aquaculture (Section 3.2[1]).

2.2.3 Fisheries secondary legislation

The assessed two fisheries secondary legislation corresponds to C1 and C2. They cover **25** of the 82 EAF legal requirements.

The main secondary fisheries legislation is the *Regulations No. 43 of 2010 relating to fisheries, fishing and related activities for the marine fisheries sector in the Republic of Liberia* (hereinafter referred to as “*Fisheries Regulations*”). These regulations remain in force since the afore mentioned Fisheries Law of 2019 has not yet been regulated.

The Fisheries Regulations call for relevant EAF principles such as the precautionary approach, the ecosystem approach that takes into account habitats and biodiversity, and the consideration of reducing possible negative impacts of harvesting methods and fishing gear use on living marine resources (Regulation 3[a][b][f]). Other important provisions on catch and capacity control include the power of the Minister to determine: national quotas for a specific period consisting e.g. maximum permitted quantities of fish that may be harvested; group quotas for a specific time consisting e.g. maximum permitted harvested for each vessel group, gear group or other defined group; and vessel quotas expressed in terms of, for instance, weight, volume, number of individuals, number of days harvesting is permitted (Regulation 4[4][a][b][c]).

The Fisheries Regulations have similar provisions to the Fisheries Law on fisheries management measures, requiring that FMPs are developed in consultation with relevant stakeholders, establishing their minimum content (Regulation 5) and setting out similar spatial controls and fishing gears restrictions such as prohibiting the use of pair trawling, explosives, firearms, lights or other electrical devices or poison (Regulations 6–7). The Regulations also prohibits dumping gear, moorings and other objects in sea or leave unnecessarily or abandon such objects at sea (Regulation 9). The fishing licensing scheme, similarly to the Fisheries Law, is also detailed by the Fisheries Regulations (Regulations 14–34). With respect to the MCSE, the Fisheries Regulations address matters that are provided by the Fisheries Law as well, including authority and functions of fisheries inspectors (Regulations 45–47), observer scheme (Regulation 48–54) and VMS requirements (Regulation 55). The Regulations provide for immunity of fisheries inspectors and observers (Regulation 57). Of relevance for an EAF is also the provision addressing coordination and collaboration among the Coordinator of the Bureau of National Fisheries, under the Ministry of Agriculture, and relevant Government Ministries and other agencies, including the Liberian Coast Guard and the Bureau of Maritime Affairs (Regulation 44[2]).

The *Marine Notice FTP-001 on requirements for Engaging in Transshipment Activities of 2015*, contains requirements relevant for MCSE particularly the duties of vessel’s owners intending

to engage in transshipment activities to submit application to the relevant authority and to meet several other requirements determined by the relevant RFBs.

2.2.4 Other sectors primary legislation

The other sectors primary legislation corresponds to D1 to D7 in Appendix A.

The *Environment Protection and Management Law of 2002* (hereinafter referred to as “Environment Law”) subjects the administration to the following principles relevant for an EAF: sustainable development, precautionary principle, public participation and international cooperation in the management of resources shared by two or more States (Sections 3 and 4[1]). It is aimed at, *inter alia*, facilitating the restoration, protection and conservation of biodiversity for the function of the biosphere and the maintenance of the ecological systems and processes; ensuring environmental education and awareness as integral part of national programmes as well as access to environmental information; and promotion of disclosure for the ultimate benefit of the environment (Section 4[2][c][f][h]). Of relevance for an EAF are the detailed requirements on environmental impact assessments (EIAs), reviews and statements (EIS) and the respective processes, which involve their preparation, submission, public consultation, public hearing, approval and final decision by the competent environment agency (Sections 6–33). The public is granted appropriate time to provide comments during public consultations and hearings (Sections 17–18). Medium and large-scale fisheries, artificial fisheries (aquaculture for fish, algae, crustaceans, shrimps, lobster or crabs) and the introduction of new species in water bodies is subject to an EIA (Annex I and Section 6).

Other provisions relevant for an EAF are those which ensure intersectoral collaboration with respect to various issues, including for the establishment of a monitoring system that provides regular reports for polluting facilities, industries and activities in Liberia (Section 34). The EPA is also required to advise the State on the harmonization of regional environmental agreements as well as to consult with other States agencies and develop regional action plans for cooperation and harmonization of the management of shared natural resources (Section 98). The Environment Law further clarifies three steps to be taken by the EPA for the implementation of international or regional agreements concerning the management of the environment or natural resources: (i) initiate and prepare legislative proposals for consideration by the relevant ministry; (ii) identify any other appropriate measure to ensure implementation of the relevant international or regional instrument; and (iii) propose amendments to legal instruments for giving effect to the convention or treaty (Section 99).

The Environment Law explicitly recognizes that any person wishing to obtain information concerning the development and management of the environment or natural resources, has freedom of access to that information (Section 101[1]), subject to the payment of the prescribed fees to the EPA (Section 101[2]). Environmental education is also promoted by this Law, which requires the EPA to take appropriate measures to integrate this subject into schools, colleges and university curricula (Section 102).

The *Maritime Authority Act of 2010* establishes Liberia’s Maritime Authority, delineating its objectives, functions and powers, which include to establish and maintain capacity to conduct

maritime surveillance, monitoring and data collection, as required, in compliance with international maritime agreements working in close coordination with other government institutions, including the ministry competent for fisheries issues (Section 6[1]). This collaboration is also required to ensure the Liberian marine habitat is protected and to curtail any illegal activities within such domain (Section 6[2]).

The *Marine Vessels, Registration and Control Act of 2009* provides the eligibility, requirements and procedure for registration of fishing vessels and the *Maritime Law (2013 Revision) Act* provides for the registration of vessels exempting those of less than twenty net tons engaged solely in domestic commerce (Sections 50–84).

The *National Wildlife and National Parks Act of 1987* provides the policy governing Liberia's wildlife and national parks, aiming at, *inter alia*: managing wildlife and natural areas for the benefit, utilization and enjoyment of all people according with internationally accepted principles of ecologically-based management; protecting, preserving and managing threatened or endangered animal and plant species; and preserving areas of outstanding scenic, natural, scientific, recreation and other value through the establishment of protected areas; and promoting and providing education about wildlife and nature conservation (Section 4[3][a][c]–[e]). The functions of the Authority in respect of wildlife and national parks include conserving, managing and rationally utilizing wildlife; establishing and managing national parks, nature reserves, game reserves, controlled hunting areas and other protected areas; cooperating with other agencies in the promotion and development of alternatives to wildlife as a source of protein and income for rural populations (Section 6[a][d][g]). In the proposal of areas being established as national parks and nature reserves, this Authority must undertake surveys of areas of aesthetic, ecological or scientific interest (Section 7) and include, *inter alia*, the description of proposed boundaries, and summary of consultations with relevant government agencies and comments of persons affected by the proposal (Section 8). Compensation for any valid rights or claims, including customary rights, to land or other resources within the national park or nature reserve can be granted to persons pursuant to procedures established by this Law (Section 13).

2.2.5 Other sectors secondary legislation

The other sectors secondary legislation corresponds to E1 to E2 in Appendix A.

Out of the two secondary legislation of other sectors found in the present report, it is worth noting that the *Regulation No. 113–08 on Environmental Impact Assessment of 2009* applies specifically to forestry projects, providing the requirements and procedures for EIA and EIS that may be required for such projects. The *Maritime Regulations of 1949*, as amended in 2002, contains relevant provisions on the prevention of pollution by various activities, including oil discharge from ships, noxious liquid substances discharges in bulk, garbage discharges from ships as well as dumping or burning of wastes at sea (Regulations 2.37–2.38).

2.2.6 Additional relevant information from the National EAF-Focal Point

The NaFAA is in the process of deciding to become a Party to the 1993 Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels

on the High Seas. Liberia is a member of the following regional fishery bodies: the Committee for the Eastern Central Atlantic Fisheries (CECAF); the Ministerial Conference on Fisheries cooperation among African States Bordering the Atlantic Ocean (COMHAFAT); the Fishery Committee for the West Central Gulf of Guinea (FCWC); and the International Convention on the Conservation of Atlantic Tunas (ICCAT).

In addition to FAO, other international partners relevant for the Liberian fisheries sector include the World Bank, the European Union, the International Finance Corporation, the United States Agency for International Development, the Swedish International Development Cooperation, the Japan International Cooperation Agency, the German Corporation for International Cooperation. At national level, the Liberian fisheries sector and the NaFAA interacts the most with a number of sectors and institutions for specific purposes, as follows:

- agriculture sector – Ministry of Agriculture collaborates on aquaculture research extension services;
- environment sector – EPA is responsible for environmental monitoring and management including limiting of excessive exploitation and pollution of the fisheries waters;
- forestry sector – Forestry Development Authority is responsible for forestry and forest related conservation including deterring the use of mangroves for fish preservation;
- maritime sector – Liberia Maritime Authority (LiMA);
- security sector – Liberian Coast Guard (LCG) is the head of joint sea patrol to deter and eliminate IUU fishing activities; Liberia Immigration Service (LIS) is responsible to regulate seafarers' nationality; Liberia National Policy (LNP) is responsible to enforce laws, violations of fisheries related activities; Liberia Drugs Enforcement Agency (LDEA) is responsible to enforce illegal drugs laws. Ministry of Justice (MOJ)/legal section adjudicates cases particularly, infringement of the fisheries Laws;
- health sector – LDEA, National Public Health Institute of Liberia (NPHIL) is responsible for port health and other health research activities; the Standard Board (SB) sets standards on fisheries imports and exports products;
- education sector – A fisheries curriculum is being developed at the University of Liberia which is expected to provide the manpower for fisheries extension and research. Other Universities and Research institutions will and/or have an aquaculture programmes that are involved in training managers as well as short term courses for capacity building in Aquaculture.

Intersectoral mechanism to facilitate the coordination of activities began with the MCSCC, which coordinated the fisheries activities up to the creation of NaFAA. Under NaFAA, the Fisheries Compliance Committee meets every month to coordinate, monitor and review the fisheries sector and intersectoral activities. It is composed of the MOJ (legal section, LIS, LNP, LDEA), LCG, LiMA, NPA, NPHIL, Custom and Local Government. An intersectoral Agency Memorandum of Understanding is being drafted and expected to be completed soon.

3. Conclusion

3.1 Main gaps in the assessed policy and legal instruments

Some of the EAF legal requirements in the EAF Legal Checklist in **Appendix B** were not incorporated (X) or were only partially incorporated (Ø) by the assessed policy and legal instruments of Liberia identified under **Appendix A**. This subsection summarizes the main gaps from the desk-based preliminary assessment without prejudice to others that may be identified in a comprehensive analysis of the national policy and legal frameworks at country level.

Of the 82 EAF legal requirements, **69** EAF legal requirements were found in Liberia's policy and legal frameworks assessed in this EAF Legal Report. It should be noted that the 82 EAF legal requirements are considered the minimum standards in legislating for an EAF which may be further elaborated and improved in advancing the implementation of an EAF. Based on the present preliminary assessment, **13** EAF legal requirements remain to be incorporated in the policy and legal frameworks of Liberia.

The results obtained in this Report indicate a fairly satisfactory alignment of the policy and legal frameworks of Liberia with an EAF. Liberia has a very recent Fisheries and Aquaculture Management and Development Law of 2019, which has many provisions relevant for an EAF, but still needs to be appropriately regulated. As noted above, many provisions of the Fisheries Regulations of 2010 are similar, if not, identical to those provided by the recent Fisheries Law, therefore demanding revision to ensure conformity and coherence between the two legal instruments.

Despite many EAF requirement met by the assessed policy and legal instruments of Liberia, some EAF Components require a better alignment. The assessed policy and legal instruments did not provide for an integrated management of aquatic ecosystems and the review of the respective plan, which corresponds to EAF Component 8. A major gap was noted with respect to TAC, additional catch limits and detailed requirements, as well as on effort controls and stakeholder consultation for establishment of temporal and spatial controls, as provided under EAF Component 9.

There are also improvements to be made with regard to FMPs, which lack provisions on the need to comply with established integrated management plans for aquatic ecosystems as provided under EAF Component 10. In respect of MCSE, which is of particular relevance to the fisheries sector, the assessed policy and legal instruments do not provide details on the recorded information to be included in the register of fishing vessels, as part of the legal requirements under the EAF Component 11. The requirements related to EAF research were not found in any legal instrument assessed, indicating a rather insufficient coverage of EAF Component 13.

Another major gap concerns the conservation measures for the protection of marine mammals, under EAF Component 14, which is not fully incorporated in any of the policy and legal instruments assessed. Regulation of activities potentially harmful to the aquatic

ecosystems was also not found in the assessed policy and legal instruments, which indicate a gap related to EAF Component 15.

3.2 Level of alignment of the assessed policy and legal instruments with an ecosystem approach to fisheries

In determining the level of alignment of the assessed policy and legal instruments with an EAF in the EAF Legal Report, the following criteria were used:

Number of EAF legal requirements incorporated in the assessed policy and legal instruments	Percentage of the 82 EAF legal requirements incorporated	Overall level of alignment with an EAF
0–30	0–36%	Low
31–50	37–61%	Low-medium
51–61	62–75%	Medium
62–72	76–87%	Medium-high
73–82	88–100%	High

The policy and legal instruments of Liberia, assessed in this Report, incorporate **69** out of the 82 EAF legal requirements, therefore indicating a **medium-high** level of alignment with the EAF.

3.3 Final considerations and proposed way forward

Legislating for an EAF is complex and challenging. Due to the numerous national policy and legal instruments relevant to the EAF, this EAF Legal Report should be considered as a desk-based preliminary assessment. It provides the initial basis upon which countries can advance the work towards improving their national policy and legal frameworks in alignment with an EAF, contributing to the ultimate goal of sustainability in fisheries.

The incorporation in the national policy and legal frameworks of all the EAF relevant provisions from international legally binding instruments³ to which Liberia is a Party, as identified under subsection 1.2 above, should be a priority in the improvement of the EAF implementation at the national level. The relevant EAF provisions from the international non-binding instruments that reflect principles of international law should also be incorporated in the national policy and legal frameworks.

With respect to the assessed policy and legal instruments, some gaps have been identified which should be addressed to ensure full implementation of the EAF in the country. The following subjects could benefit from a detailed review and update in the relevant policy and legal instruments: “control on fishing operations” (especially TACs and efforts control),

³ See Appendix A of the EAF Legal Diagnostic Tool.

“fisheries management”, “conservation measures” (especially marine mammals protection), “fisheries monitoring research”, “MCSE” (especially on the detailed recorded information).

The review of policy and legal instruments with respect to “control on fishing operations”, “fisheries management” and “MCSE” could be led by fisheries whereas others, such as “conservation measures” would require a more active involvement of other sectors in the review of their transversal relevant provisions.

This preliminary assessment is aimed at assisting legal practitioners, policymakers and fisheries managers in taking the necessary steps for improving the EAF implementation in their country.

The review of national policies and/or legislation is one of the many ways or processes through which an assessment of the implementation of the EAF can be conducted. It provides a country with the opportunity to reassess its respective policy and legal frameworks, identify the gaps and/or needs for improvement, and present recommendations for enacting new policies and/or legal instruments for an EAF, and/or amending the existing ones to bring them fully in line with an EAF.

4. References

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Appendix A. List of national policy and legal instruments assessed in this report

Identification	Instruments of LIBERIA
A	Fisheries Policies
A1	2019 National Plan of Action for Sharks and Rays (in draft)
A2	2018 National Plan of Action to prevent, deter and eliminate Illegal, Unreported and Unregulated Fisheries
A3	2017–2025 National Biodiversity Strategy and Action Plan II
A4	2014 National Fisheries and Aquaculture Policy and Strategy
A5	2014 National Export Strategy Fish and Crustaceans Export Strategy
A6	2010 National Capacity Development Strategy
A7	2008 National Adaptation Plan Process
A8	2008 National Food Security and Nutrition Strategy
B	Fisheries Primary Legislation
B1	Fisheries and Aquaculture Management and Development Law of 2019
B2	National Fisheries and Aquaculture Act of 2017 (An Act to Amend Title 23, Natural Resource Law, Liberian Codes Revised by Repealing Subchapter B, Fish Resources and to Amend title 30, Public Authorities Law to Create the National Fisheries and Aquaculture Authority) as amended in 2019
C	Fisheries Secondary Legislation
C1	Regulations No. 43/2010 relating to Fisheries, fishing and related activities for the marine fisheries sector in the Republic of Liberia
C2	Marine Notice FTP-001/2015 on requirements for Engaging in Transshipment Activities
D	Other Sector's Primary Legislation
D1	Maritime Law (2013 Revision)
D2	Maritime Authority Act of 2010
D3	Marine Vessels, Registration and Control Act of 2009
D4	Environment Protection and Management Law of 2002
D5	National Defense Act of 2008
D6	Wildlife and National Parks Act of 1988
D7	Natural Resources Law of 1956, Wildlife and National Parks, Title 24 of the Code of Laws
E	Other Sector's Secondary Legislation
E1	Regulation No. 113–08/2009 on Environmental Impact Assessment
E2	Maritime Regulations of 1949, as amended in 2002

Perceived level of alignment with the EAF legal requirement

✓ full ∅ partial X none • not assessed N/A not applicable * optional

Appendix B. Ecosystem Approach to Fisheries Legal Checklist applied against selected national policy and legal instruments

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
	Scope and definitions								
General guidelines	1.	– Clearly outline the geographic and substantive scope of the application.	✓	✓	✓	X	X	(A4) Chapter 2 (A8) Pages 4–5 (B1) Section 1.4 (C1) Regulation 2	
	Principles and objectives								
C.1 EAF concepts C.3 Precautionary approach C.4 Stakeholder participation C.6 Integration of lower level authorities C.7 Conflict management	2.	– Clearly define and apply the precautionary approach.	∅	✓	✓*	✓	•	(A4) Chapter 2(2.6) (B1) Section 2.2(d) (B2) Section 2.2(d) (C1) Regulation 3(a) (D4) Sections 3 and 4(1)(b)	Reference in (A4) refers to the application of the precautionary approach in case of uncertainty but does not clearly define it. While provisions in (B1), (B2) and (C1) do not define the precautionary approach, they call for its application in line with international standards, making

Perceived level of alignment with the EAF legal requirement

✓ full ∅ partial X none ● not assessed N/A not applicable * optional

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
and C.11, C.13, C.14 and C.17									this requirement sufficiently met.
	3.	– Broaden stakeholder participation with integration of lower level authorities and bodies.	✓	✓	●*	✓	●	(A3) Section 4(4.4) (A4) Chapters 2(2.1, 2.3 and 2.6) and 3(3.2.3) (A5) Page 39 (B1) Section 2.2(k)(l) (D4) Section 4(1)(e) and (2)(g)	
	4.	– Ensure the right of access to fair and transparent information.	✓	✓	●*	✓	●	(A4) Chapter 2(2.6) (B1) Section 8.12 (D4) Sections 4(2)(h) and 101	
	5.	– Promote institutional coordination, cooperation and integration.	✓	✓	●*	✓	●	(A4) Chapters 3(3.2.3) and 4(4.1.7) (B1) Section 11.1(2) (D6) Section 6(g)	
	6.	– Maintain ecological relationships among harvested, dependent and associated species.	✓	✓	●*	●	●	(A4) Chapter 3(3.2.2) (B1) Section 2.2(b)(c)	
	7.	– Promote sustainable development and avoid overexploitation of marine living resources.	✓	✓	●*	✓	●	(A2) Page 28 (A4) Chapters 1(1.6.1), 2(2.2, 2.6 and 2.7) and 3.0 (B1) Sections 2.1, 2.2(a)(c)(i) and 6.2(1) (B2) Section 2.2(c) (D4) Section 4(1)(a) and (2)(b)	

Perceived level of alignment with the EAF legal requirement

✓ full ∅ partial X none ● not assessed N/A not applicable * optional

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
8.	– Preserve marine habitat, conserve and restore marine living resources and biodiversity.		✓	✓	●*	✓	●	(A3) Section 4(4.3–4.4) (A4) Chapters 3(3.2.2) and 4(4.1.6) (B1) Section 2.2(d) (D4) Section 4(2)(c)(d) (D6) Section 4(3)(c)(d)	
9.	– Promote ecosystem well-being, including the human biotic and abiotic components.		✓	✓	●*	✓*	●*	(A3) Section 4(4.4) (A4) Chapters 3(3.2.2), 4(4.1.6) and Table 2 (B1) Sections 2.2(c) and 3.15(k) (B2) Section 2.2(d) (C1) Regulation 3(b) (D4) Section 4(2)(a)(c)(m) (D6) Section 4(3)(c)(d)	
10.	– Promote adaptive management measures, including their regular monitoring and review.		✓	✓	●*	✓*	●*	(A4) Chapter 2(2.3) (B1) Section 2.2(g)(h) (D4) Section 4(2)(k)	
11.	– Harmonize management measures, including those for shared resources.		✓	∅	●*	✓*	●*	(A4) Chapter 3(3.2.4) (B1) Section 2.2(c) (D4) Section 4(1)(f)	Provision in (B1) refers to the interdependence of stocks and relevant international standards.
12.	– Reduce and manage conflict between users and stakeholders over fisheries resources and ecosystems.		✓	X	●*	●*	●*	(A4) Chapter 3(3.2.6)	

Perceived level of alignment with the EAF legal requirement

✓ full ∅ partial X none ● not assessed N/A not applicable * optional

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
13.	– Consider socioeconomic contexts (e.g. employment, livelihoods, equity, poverty, gender) when designing and implementing management measures.	✓	✓	✓*	✓*	●*	(A3) Section 4(4.4) (A4) Chapters 2(2.1 and 2.3) and 3(3.1) (B1) Section 2.2(b)(f) (B2) Section 2.2(b) (C1) Regulation 3(d)(e) (D4) Section 4(2)(a)(b)(e)(i) (D6) Section 4(3)(b)	
14.	– Promote management measures, designate the authority and outline the timeline and process for their monitoring and review.	✓	✓	∅*	●*	●*	(A4) Chapters 1(1.6.1), 3(3.6.2) and Appendix III (B1) Sections 2.2(e) and 4(4.1 and 4.5) (C2) Regulation 3(c)(f)	Provisions in (C1) refer to management measures but lack reference to their monitoring and review.
15.	– Provide for the establishment of MCSE measures.	✓	✓	●*	●*	●*	(A2) Page 23 (A4) Chapters 2(2.3) and 3(3.2.5) (B1) Section 2.2(m)	
16.	– Promote ecosystem-based research plans/priorities, designate the authority and outline the timeline and process for their monitoring and review.	✓	X	●*	●*	●*	(A4) Chapters 3(3.6.3), 4(4.1.3) and Appendix III	
17.	– Promote the right of access to education and awareness raising on EAF.	✓	X	●*	∅*	●*	(A3) Section 4(4.4) (A4) Chapters 1(1.5.2) and 3(3.6.4) (D4) Sections 4(2)(f) and 102 (D6) Sections 4(3)(e) and 6(e)	Provisions in (A4) refer to awareness raising of the communities on MCS and implementing comprehensive

Perceived level of alignment with the EAF legal requirement

✓ full ∅ partial X none ● not assessed N/A not applicable * optional

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
									capacity building and advisory programmes for the fisheries sector in general and not on EAF in specific. Provisions in (d4) and (d6) are too broad and refers to education on environmental, wildlife and nature conservation
		Institutional arrangements							
C.2 Management boundaries and measures	18.	– Ensure new management boundaries, measures and plans are: (a) ecologically meaningful considering resource ranges, habitats and other ecological factors.	✓	✓	X	✓*	●*	(A4) Chapter 3(3.2.2) (B1) Sections 4.3, 4.4, 4.16, 4.17 (B2) Section 4.11 (D6) Sections 7–8, 15–16	
C.4 Stakeholder participation		(b) overlapped closely and are harmonized with well-established management boundaries and governance structures.	✓	✓	X	✓*	●*	(A3) Pages 67 and 90 (A4) Chapter 3(3.2.3) (B1) Sections 4.3, 4.4, 4.16, 4.17 (B2) Section 4.11 (D6) Sections 7–8, 15–16	
C.5 Coordination, cooperation and integration									
C.7 Conflict management	19.	– Promote states cooperation on the harmonization of management measures and plans (bilaterally, regionally and internationally).	✓	✓	X	✓*	●*	(A4) Chapters 2(2.3) and 3(3.2.3–3.2.4)	

Perceived level of alignment with the EAF legal requirement

✓ full ∅ partial X none ● not assessed N/A not applicable * optional

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes	
			1ary	2ary	1ary	2ary			
C.8 Integrated management of aquatic ecosystems							(b1) Sections 2.2(m)–(o), 5.5, 5.6, 7.7 (D3) Sections 4(1)(f), 98, 99		
	20.	– Establish transparent and accessible mechanisms, bodies (including lower level authorities) or processes to:					(A3) Pages 67 and 90 (A4) Chapter 3(3.2.3)		
		(a) support well-established management boundaries and governance structures on the basis of ecosystem considerations.	✓	✓	X	✓*	●*	(B1) Sections 4.2(3)(a)(iv), 4.16, 4.17 (D6) Sections 7–8, 15–16	
		(b) outline conservation and management measures, including FMPs, at local and national levels.	✓	✓	X	●*	●*	(A4) Chapter 3(3.2.3) and Appendix II (B1) Sections 3.2, 3.3(2), 4.2(1)	
		(c) facilitate coordination, cooperation and integration of management decisions, regulatory action, environmental policies, plans and programmes.	✓	✓	X	✓*	●*	(A4) Chapter 4(4.1.3–4.1.4) (B1) Section 4.16(1), 4.17 (B2) Section 4.11 (D4) Sections 34, 50(2), 51, 69(1) and 70(1) (D6) Section 17	
		(d) monitor, assess and align the various environmental policies and plans.	✓	X	X	✓*	●*	(A3) Section 6(6.1.1) (D6) Section 17	
		(e) manage conflict over fisheries, relevant resource and ecosystem, including parameters for decision-making and resolving the conflict.	✓	X	X	●*	●*	(A4) Chapter 3(3.2.6)	
		(f) ensure integrated management of aquatic ecosystems (e.g. integrated coastal zone) based on ecosystem delimitations.	X	X	X	●*	●*		
	(g) ensure periodic reviews of managed aquatic ecosystems that assess the state of aquatic resources,	✓	X	X	●*	●*	(A3) Page 67		

Perceived level of alignment with the EAF legal requirement

✓ full ∅ partial X none ● not assessed N/A not applicable * optional

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
	levels of pollution, habitat degradation and other factors.							
	(h) ensure periodic reviews of integrated management plans to assess objectives and indicators and to determine any potential needs for adjustment or revision.	X	X	X	●*	●*		
	(i) ensure periodic reviews of conflict management processes.	X	X	X	●*	●*		
21.	– Clearly outline powers, roles and responsibilities of all bodies, designated authorities, their relationships and processes, avoiding overlapping and conflicting mandates.	✓	✓	X	✓*	●*	(A3) Section 6(6.1–6.3) (A4) Chapter 4 (A8) Pages 36-40 (B1) Sections 2.3, 3.1–3.3 (B2) Sections 3.1–3.15 (D6) Sections 5(1) and 6	
22.	– Outline mandates for the government institutions to: (a) coordinate efforts, cooperate and integrate approaches, from the local to the national levels.	✓	✓	X	✓	X	(A3) Section 6(6.1–6.3) (A4) Chapter 4(4.1.3(iii)–(viii) and 4.1.4) (A6) Pages 38–39 (A7) Page 16 (B1) Sections 3.2(1)(2), 3.3(2), 4.16 (D6) Sections 5(2) and 6(e)	
	(b) coordinate, cooperate and integrate the regional and international processes and arrangements.	✓	✓	X	✓	X	(A4) Chapter 4(4.1.5) (B1) Sections 4.1(4), 5.5, 5.6 (B2) Section 3.2(1)(o) (D2) Section 6(1) (D4) Sections 98–99	

Perceived level of alignment with the EAF legal requirement

✓ full ∅ partial X none • not assessed N/A not applicable * optional

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
	(c) allocate financial, human and material resources to ensure the integration of lower level authorities	✓	∅	X	X	X	(A3) Section 5 (A4) Chapter 3(3.6.5–3.6.6) and Appendix III (A5) Page 17 (B1) Section 2.2(f)	Provision in (B1) is limited to establishing the principle not outlining the allocation of resources as part of the mandate of government institutions.
	Stakeholder participation, coordination, cooperation and integration							
C.4 Stakeholder participation	23. – Ensure bodies established are broadly representative (from industry, the artisanal sector, academia, civil society and local communities) and processes allow for stakeholder and institutional participation and coordination, engaging and integrating lower level authorities or bodies when resources are affected at local level.	✓	✓	X	X	X	(A4) Chapter 4(4.1.3–4.1.4) (B1) First Schedule	
C.5 Coordination, cooperation and integration	24. – Establish and properly publicize public meetings or hearings.	X	X	X	✓	X	(D4) Sections 17–18	
C.6 Integration of lower level authorities, bodies and stakeholders	25. – Allow for sufficient and reasonable time for comments on proposed management decisions or actions (e.g. in meetings and in writing).	X	X	X	✓	X	(D4) Sections 17–18	
C.8 Integrated management	26. – Promote international cooperation for effective integrated management of aquatic ecosystems.	✓	✓	X	✓	X	(A4) Appendix III (B1) Sections 5.5–5.6 (D4) Sections 4(1)(f), 98, 99	

Perceived level of alignment with the EAF legal requirement

✓ full ∅ partial X none • not assessed N/A not applicable * optional

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
of aquatic ecosystems									
		Fisheries management Catch/output controls							
C.9 Controls on fishing operations	27.	– Establish limits on the amount of fish that may be removed from a fishery in a given period of time (e.g. TAC), restrict the number of fish that may be landed in a day (e.g. bag limit) or place limits on the amount of acceptable bycatch and/or discards from a fishery – all based on scientific data and maximum sustainable yield and the precautionary principle.	∅	X	∅	N/A	N/A	(A4) Section 3.2.2	Provisions in (A4) provides for the reduction of by-catch, discards, and destructive fishing practices but not for the remaining catch control requirements.
C.10 Fishery management plans	28.	– Ensure authority to institute TACs and to allocate individual quotas is representative, including representatives from lower levels of government.	X	✓	∅*	N/A	N/A	(b1) Section 4.1(2) (c1) Regulation 4(1)–(3)	Provision in (c1) gives the authority to the Bureau of National Fisheries without any reference to representativeness of individual and lower level of governments.
C.17 Monitoring and review	29.	– Ensure procedure for TACs outlines the category of vessels to which the TAC applies; period of time for which the TAC is declared; process for sub-dividing the TAC into individual quotas; timeline, authority and participatory process for periodic monitoring and review.	X	X	✓	N/A	N/A	(c1) Regulation 4(3)(4)	

Perceived level of alignment with the EAF legal requirement

✓ full ∅ partial X none ● not assessed N/A not applicable * optional

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
	30.	– Coordinate the TACs for shared stocks or highly migratory species with international or regional management measures.	X	✓	X*	N/A	N/A	(b1) Section 4.1(4)	
	31.	– Monitor the catch in real-time and close a fishery when the TAC is reached.	X	X	X*	N/A	N/A		
	32.	– Attach catch controls to licenses and access agreements, including authority responsible for allocating, issuing and regulating quotas, and the procedure to be followed.	X	✓	X*	N/A	N/A	(b1) Section 5.1(2)(b)	
	33.	– Outline the ability to institute additional catch controls (e.g. bag limits for recreational fishing), including the authority responsible for allocating, issuing and regulating quotas, and the procedure to be followed.	X	X	X*	N/A	N/A		
		<i>Effort/input controls</i>							
C.9 Controls on fishing operations C.10 Fishery management plans C.17 Monitoring and review	34.	– Define a broad fishing license scheme to regulate access to fisheries and fishing vessels with timeline, authority and process for renewing the license, monitoring and compliance, and permit suspension and revocation of the license for non-compliance.	X	✓	✓*	N/A	N/A	(b1) Sections 9.2, 10.1–10.13 (c1) Regulations 14–27	
	35.	– Designate authority responsible for allocating, issuing and regulating licenses, specified license duration, requirement of a fee and conditions that may be attached to licenses.	X	✓	✓*	N/A	N/A	(b1) Sections 10.1–10.19, 10-22–10.26 (c1) Regulations 14–31, 34	
	36.	– Outline process for establishing provisions for effort controls (e.g. limitation on vessel capacity, on expansion of fishing fleet, on allowable days spent at sea).	∅	X	X*	N/A	N/A	(A4) Table 3	The log-frame in (A4) is limited to trawl's shrimp fisheries.
	37.	– Outline specific details of fishing license scheme (e.g. number of licenses to be allocated, permit conditions for each fishery).	X*	X*	X	N/A	N/A		

Perceived level of alignment with the EAF legal requirement

✓ full ∅ partial X none • not assessed N/A not applicable * optional

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
	38.	– Empower the designated authority to establish additional regulations for licensing.	X*	✓	X*	N/A	N/A	(b1) Section 17.1(2)(d)	
	39.	– Empower authority to regulate effort controls and respective parameters.	X*	∅	X*	N/A	N/A	(b1) Section 4.1(2)	Provision in (b1) does not provide the parameters for effort controls.
	Fishing gear and method controls								
C.9 Controls on fishing operations C.10 Fishery management plans C.17 Monitoring and review	40.	– Establish requirements on fishing gear and methods that are permitted for use within a given fishery or area, including related technical specifications (e.g. general prohibitions on types of gear, methods, specifications on gear design, minimum mesh sizes).	X	✓	✓	N/A	N/A	(b1) Section 4.6(1)(a)(2)(3) (c1) Regulation 7(a)	
	41.	– Outline prohibitions on highly destructive gear and fishing methods (e.g. fishing by toxic substance, explosives, electricity, fishing with the use of light).	X	✓	✓*	N/A	N/A	(b1) Section 4.6(1)(c)(d) (c1) Regulation 7(c)(d)	
	42.	– Outline requirements aimed at reducing negative impacts of fishing methods and gear (e.g. prohibition of trawling in areas with sensitive seabed habitat, require use of biodegradable nets, restrict the use of FADs or require use of bycatch reduction devices).	✓	✓	✓	N/A	N/A	(A4) Appendix III (b1) Section 4.6(1)(b), 4.10 (c1) Regulations 7(b) and 36	
	Spatial and temporal controls								
C.9 Controls on fishing operations c.10	43.	– Regulate area and time in which fishing operations may or may not take place (e.g. closed areas/seasons), closed or restricted-use areas, which prohibit or limit fishing operations (e.g. protection of artisanal fishing).	X	✓	✓*	N/A	N/A	(b1) Sections 4.15–4.17 (c1) Regulation 6	
	44.	– Empower authority to define spatial and temporal controls and the procedure.	X	✓	X*	N/A	N/A	(b1) Sections 4.15–4.16	

Perceived level of alignment with the EAF legal requirement

✓ full ∅ partial X none ● not assessed N/A not applicable * optional

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
Fishery management plans c.17 Monitoring and review	45.	– Ensure stakeholder and institutional consultation, both at national and lower levels, in the process of defining spatial and temporal controls.	X	X	X*	N/A	N/A		
	46.	– Establish technical details and specifics on spatial controls.	X*	X*	✓	N/A	N/A	(c1) Regulation 6	
	<i>Fishery management plans</i>								
C.9 Controls on fishing operations C.10 Fishery management plans C.17 Monitoring and review	47.	– Designate authority with power and responsibility to develop, approve, adopt and publicize a FMP, clearly outlining the roles and responsibilities.	✓	✓	✓*	N/A	N/A	(A4) Chapter 4(4.1.3–4.1.4) (B1) Section 4.2(1) (c1) Regulation 5(1)	
	48.	– Ensure FMPs and measures comply with established integrated management plans for aquatic ecosystems involving e.g. protected areas or critical habitat.	✓	∅	∅	X*	X*	(A4) Appendix II (B1) Section 4.2(3)(7) (c1) Regulation 5(3)(6)	Provisions in (B1) and (c1) do not specifically refer to integrated management plans, but generally requires the FMP to be consistent with the objectives and principles of the law.
	49.	– Establish process for approval, adoption and publication of FMP with its periodic review.	∅	✓	✓*	N/A	N/A	(A4) Appendix II (B1) Section 4.2(1)(4)–(6) (c1) Regulation 5(1)(4)(5)	Reference in (A4) does not detail the process of publication and periodical review.
	50.	– Detail process of drafting FMP, including multi-level and multi-sector collaboration and consultation with stakeholders, and a participatory transparent process for monitoring and reviewing the FMP at a minimum within five years of their development.	✓	∅	●*	N/A	N/A	(A4) Section 3.2.1 and Appendix II (B1) Sections 3.2(7), 4.2(1)(4)–(6)	Provisions in (B1) do not detail the process for drafting FMP nor require the minimum of five

Perceived level of alignment with the EAF legal requirement

✓ full ∅ partial X none • not assessed N/A not applicable * optional

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
								years for their review.
51.	– List the minimum requirements in the FMPs: (a) management objectives that take into account EAF;	✓	∅	∅*	N/A	N/A	(A4) Appendix II (B1) Section 4.2(3)(b)(c) (C1) Regulation 5(3)(4)	Provisions in (B1) and (C1) lack consideration of EAF under the objectives
	(b) biological description of fishery and ecosystem in which it takes place;	✓	✓	✓*	N/A	N/A	(A4) Appendix II (B1) Section 4.2(3)(a) (C1) Regulation 5(3)	
	(c) social, economic and institutional aspects of the fishery;	✓	X	∅*	N/A	N/A	(A4) Appendix II (C1) Regulation 5(3)(a)	Provisions in (C1) is limited to identify the relevant traditional artisanal fishing methods and practices
	(d) species composition and levels of bycatch, both retained and discarded;	✓	X	X*	N/A	N/A	(A4) Appendix II	
	(e) ecological relationships between harvested, dependent and associated species;	✓	X	X*	N/A	N/A	(A4) Appendix II	
	(f) impact of other anthropogenic activities on the ecosystem; and	X	X	X*	N/A	N/A		
	(g) a review of the relationship with other coastal or marine resource management plans.	X	X	X*	N/A	N/A		
		Conservation measures						
C.14 Habitat and biodiversity	52. – Incorporate the consideration of habitat and biodiversity in the processes for establishing management measures (e.g. outline habitats and species related to the fishery and take	✓	✓	X*	∅*	X	(A4) Chapter 3(3.2.2) and Appendix II (B1) Section 4.7	Provisions in (D4) broadly address

Perceived level of alignment with the EAF legal requirement

✓ full ∅ partial X none • not assessed N/A not applicable * optional

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
conservation and restoration		measures to limit the negative impacts of fishing on them) or gear regulations.						(d4) Sections 83–86	biodiversity conservation.
	53.	– Ensure special protection for marine mammals, sea turtles and other particularly vulnerable marine life (e.g. set prohibitions or limitations), in coordination with other national designations or protections and regional and international conservation and management measures.	X	X	X*	∅*	X	(d6) Schedule I	(d6) establishes the protection of marine turtles.
	54.	– Ensure coordination between the various authorities involved in marine environment protection.	✓	X	X*	✓*	X	(A3) Section 6(6.2) (d4) Section 34 (d6) Section 6(a)	Provision in (d4) involve coordination between the environment agency with other institutions
	55.	– Establish mechanisms and designation of authority responsible for establishing: (a) designation and protection of threatened and endangered species, ensuring cooperation among the authorities throughout the listing process, definition and qualifying factors of each designation, process for listing, including steps for consultation and the special protections associated with the designations.	∅	∅	X*	✓*	X	(A3) Page 67 (B1) Section 4.14 (d4) Section 80 (d6) Sections 46, 50–53 Schedule I	Reference in (A3) does not provide details of process for listing. Provision in (B1) does not provide details of process for listing.
	(b) protected areas, ensuring the outline of the type of protected areas, description of their levels of protection (e.g. marine reserve, parks, sanctuaries or MPAs), the process for nominating, establishing and managing a protected area, including stakeholder participation particularly of local communities, consultation and coordination with various authorities, both at national and local levels.	∅	X	X*	✓*	X	(A3) Pages 67 and 90 (d4) Sections 79 and 82 (d6) Sections 6(d), 7–13	Reference in (A3) and provision in (d4) do not provide details on the level of protection nor on the stakeholder participation	

Perceived level of alignment with the EAF legal requirement

✓ full ∅ partial X none ● not assessed N/A not applicable * optional

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
	(c) the restoration of damaged habitat and ecosystems, ensuring the process through which it is decided when, where and how a damaged habitat/ecosystem shall be restored, and the establishment of funds that may be used to engage in restoration activities.	∅	X	X*	✓*	X	(A3) Pages 78–79 (D4) Sections 90–94	Reference in (A3) does not provide details on the process for the restoration of damaged habitats
	56. – Ensure educational and awareness-raising activities for promoting habitat and biodiversity conservation and restoration with the establishment of special funds to support such activities.	✓	X	X*	✓*	X	(A3) Pages 73, 78–80 (D4) Section 102 (D6) Sections 4(3)(e) and 6(e)	Provision in (D4) is too broad generally referring to environmental education
C.15 Regulation of activities potentially harmful to aquatic ecosystems	57. – Adopt measures to: (a) regulate and reduce pollution of the aquatic ecosystems which should apply to all activities that might have an impact (including fishing, mining, shipping, etc.) and cover all types of pollution including bycatch, discharge of waste, vessel emissions, coastal runoff.	✓	✓	✓	✓	✓	(A4) Appendix III(2) (B1) Sections 4.15, 6.8 (C2) Regulation 9 (D3) Section 375 (D4) Sections 51–73, 75 (D5) Regulations 2.37–2.38	
	(b) promote energy efficiency and reduce emissions that are applicable to fishing vessels, merchant shipping vessels and extractive industries, including through fuel efficiency standards, vessel size limitations and equipment restrictions for fishing vessels.	X*	X*	X*	∅	X	(D4) Section 81	Provision in (D4) broadly address energy efficiency and use of renewable resources.
	(c) prevent and eliminate ghost fishing with the prohibition of the abandonment of fishing gear, notification of authorities when fishing gear is lost, regulation of materials used in the manufacture of gear.	X	✓	✓	●	●	(B1) Sections 4.6(4), 4.8, 4.9, 10.28, 11.6 (C1) Regulations 8, 9, 56	
	58. – Require authorization prior to the planned introduction of any species, including species meant for aquaculture or fish stocking, taking into account the precautionary approach, and	X	✓	X	●	●	(B1) Sections 4.12, 6.6(1)(b), 10.30	

Perceived level of alignment with the EAF legal requirement

✓ full ∅ partial X none • not assessed N/A not applicable * optional

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
		establish measures to prevent the escape of exotic species into the wild.							
C.16 EIS or EIA	59.	– Regulate marine extractive activities (e.g. marine mining for minerals or petroleum, harvesting of marine plants) and other potentially harmful activities, including the construction of installations for use by industry, laying of underwater cables, military exercises, shipping.	X	X	X	X	X		
	60.	– Require EIS or EIAs for activities that have the potential to affect ecosystems that support fisheries (e.g. fishing, aquaculture, mining, petroleum extraction, coastal development).	X	✓	X	✓	∅	(b1) Section 4.18 (d4) Sections 6, 8(4), 9 and Annex I (e1) Entire regulation	(e1) is focused on forestry projects
	61.	– Detail components of EIS or EIA, which should at least discuss the purpose/need for the activity, the ecosystem that may be affected, potential impacts of the proposed activity and potential alternatives or mitigation and rehabilitation measures.	X	X*	X*	✓	∅	(d3) Sections 13–14 (e1) Regulation 8	(e1) is focused on forestry projects
	62.	– Establish process for submission, review and decision-making on the EIS or EIA, with designation of authority responsible for receiving, reviewing and deciding upon the EIS or EIA (e.g. the minister responsible for environment), opportunity for public participation (e.g. comment periods and hearings), consultation with other relevant government institutions or localities, and determination of adequate mitigation measures.	X	X*	X*	✓	∅	(d3) Sections 6–33 (e1) Entire regulation	(e1) is focused on forestry projects
		Fishery monitoring and research							
C.13 EAF research	63.	– Establish research programme for furthering the knowledge and understanding of EAF.	✓	X	X*	X	X*	(A4) Chapters 3(3.6.3) and 4(4.1.3)	
	64.	– Designate authority for conducting and involving stakeholders in the research programme.	✓	X	X*	✓	X*	(A4) Chapter 4(4.1.3(i)) (d6) Section 6(f)	

Perceived level of alignment with the EAF legal requirement

✓ full ∅ partial X none • not assessed N/A not applicable * optional

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
	65.	– Ensure the research programme’s objectives are based on EAF principles, which may include research on interspecies interactions, the impact of fishing on target and non-target stocks, the identification of spawning and nursery areas, areas of critical habitat, rates of bycatch and discards per fishery, the incidence and effect of pollution on fisheries, the status of ecosystem biodiversity, the social and economic dimensions (such as employment, food security), income distribution and other considerations.	✓	X	X*	X	X*	(A4) Chapters 3(3.6.3) and 4(4.1.3)	
	66.	– Consider the findings of the EAF research in the adoption of conservation and management measures.	X	∅	X*	X	X*	(B1) Section 4.1(5)	Provision in (B1) does not specify the EAF but does mention that measures are to be developed based on best scientific advice.
		MCSE							
C.11 MCSE	67.	– Outline an observer scheme with details on the categories of vessels/fisheries that it applies to and the role that observers play (which may be tailored to the category of vessel or the type of fishery and may be limited to the collection of catch/effort data and the collection of scientific samples, or may include the authority to register and/or report violation of management measures).	X	✓	✓	N/A	N/A	(B1) Sections 11.17–11.23 (C1) Regulations 48–54	
	68.	– Ensure observers have full access to all parts of the vessel and its equipment and to any place in the country where fish that have been caught in national waters are uploaded, processed, stored or transshipped.	X	✓	✓	N/A	N/A	(B1) Section 11.22–11.23 (C1) Regulations 48–54	

Perceived level of alignment with the EAF legal requirement

✓ full ∅ partial X none • not assessed N/A not applicable * optional

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
69.	– Design the scheme in line with regional or international requirements, taking into account relevant regional observer programmes.		✓	✓	✓	N/A	N/A	(A2) Page 28 (A4) Chapter 4(4.1.3(ii)) (B1) Section 11.17 (C1) Regulation 49(2)	
70.	– Ensure VMS is required for vessels licensed to fish in national waters and ABNJ, detailing specific categories of fishing vessels and/or fisheries to which it applies.		✓	✓	✓	N/A	N/A	(A2) Page 27 (B1) Section 11.27 (C1) Regulation 55	
71.	– Ensure reporting of catch and effort data, clearly identifying the vessels that are expected to report (at least all commercial fishing vessels that fish within national waters and all nationally-flagged vessels authorized to fish within waters under national jurisdiction and in ABNJ), to whom they are required to report (the designated authority), the frequency and timing of their reports, and the method or format in which they are required to report (e.g. weight of fish caught, including percentage of bycatch, species, dates of fishing, fishing zones, gear/methods employed, type of vessel, time of departure from national waters and catch status at that time).		X	✓	✓	N/A	N/A	(B1) Section 8.3 (C1) Regulation 32	
72.	– Ensure the establishment and maintenance of a record of fishing vessels licensed to fish in waters under national jurisdiction and nationally flagged vessels authorised to fish in ABNJ with the designation of the authority responsible for its maintenance and information to be recorded for each category of vessel.		X	✓	✓	N/A	N/A	(B1) Sections 8.4 and 8.12(4) (C1) Regulations 27 and 43 (D1) Sections 14	
73.	– Ensure the records of industrial fishing vessels include the name of the vessel, the flag state and any previous flag states, the radio call sign, the International Maritime Organization (IMO) number, the automatic identification system (AIS) and the VMS, if relevant the vessel length and tonnage, if relevant the fishing methods and gear used, the name and nationality of		X	∅	∅	N/A	N/A	(B1) Section 8.5 (C1) Section 37 and Schedule 7	Provisions in (B1) does not require the record of all the information including the IMO number the AIS and the VMS and in (C1)

Perceived level of alignment with the EAF legal requirement

✓ full ∅ partial X none • not assessed N/A not applicable * optional

EAF components	EAF legal requirement	Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
			1ary	2ary	1ary	2ary		
	operator and beneficial owners of the vessel, and any transgressions of fisheries legislation associated with the vessel.							is limited to the information provided by foreign fishing vessel for entry into national port.
74.	– Broadly detail the registration process and ensure registration of all fishing vessels with the relevant fisheries or maritime authority, including information on the name of vessel, the flag state and any previous flag states, the radio call sign, if relevant the IMO number, the AIS and VMS, if relevant the vessel length and tonnage, the name and nationality of the beneficial owners of the vessel, and any transgressions of fisheries legislation associated with the vessel.	X	X	∅	✓	N/A	(A2) Page 25–27 (c1) Section 37 and Schedule 7 (D1) Sections 50-84 (D 3) Sections 368–372	Provisions in (A2) provides for registration and de-registration under the Flag State Responsibilities of Liberia and in (c2) is limited to the information provided by foreign fishing vessel for entry into national ports.
75.	– Detail the specifications for marking vessels and fishing gear in accordance with internationally approved standards.	X	∅	✓	N/A	N/A	(b1) Section 10.27 (c1) Sections 28 (a) and € and Schedules 4 and 5	Provisions in (b1) requires the marking of FADs.
76.	– Ensure cooperation and coordination between fisheries and maritime authorities throughout the registration process.	✓	X	✓	N/A	N/A	(A4) Chapter 4(4.1.5) (c1) Regulation 44(2)	
77.	– Ensure authorized officers have enforcement powers, allowing them to board and search vessels (at sea and in port) and other premises related with fishing, to examine logbooks, records, gear and catch, to investigate and collect evidence, to seize fish, gear and vessels, and to interrogate, detain and arrest persons associated with reasonably suspected violations.	X	✓	✓	N/A	N/A	(b1) Section 11.2–11.6 (c1) Regulations 44–47	

Perceived level of alignment with the EAF legal requirement

✓ full ∅ partial X none ● not assessed N/A not applicable * optional

EAF components	EAF legal requirement		Fish. policy	Fisheries legislation		Other sectors legislation		Policy and legal basis	Comments and explanatory notes
				1ary	2ary	1ary	2ary		
	78.	– Ensure the controls placed on landing and transshipping of fish, both at sea and in port, and by national and foreign vessels, is in accordance with regional and international instruments.	X	∅	✓	N/A	N/A	(b1) Section 10.25 (c1) Regulations 32(b) and 35 (c2) Entire notice	(b1) establishes the requirements for transshipping of fish or fish products but not for landing.
	79.	– Provide additional VMS specifications and specific details on the registration process.	X*	✓	✓	N/A	N/A	(b1) Section 11.27 (c1) Regulation 55	
		Enforcement processes and sanctions scheme							
C.12 Offences, penalties and administrative and judicial processes	80.	– Detail the fisheries-related offences (civil or criminal) and corresponding penalties, weighted depending on the level of severity of the offence but outlined in a way that maintains their strength over time (e.g. utilize formulas such as a percentage of the total market value of the sale of the illegal catch, or penalty units).	✓	✓	✓	✓	●	(A2) Page 27 (b1) Various sections and generally Sections 9.1, 15.1–15.8 and Schedule A (c1) Regulations 58–65 (d6) Sections 22–23, 25, 46	
	81.	– Establish transparent and equitable administrative processes for determining and confirming offences, applying relevant penalties, with provision for compounding of offences/out-of-court settlement.	X	✓	X	●	●	(b1) Sections 12.1–12.9, 14.1–14.3	
	82.	– Establish judicial processes used for determining and confirming offences and applying relevant penalties to the offending parties, allowing for a right of appeal.	X	✓	X	●	●	(b1) Sections 12.2, 13–13.5	

The ecosystem approach to fisheries (EAF) is a risk-based management process for the planning, management, development, regulation and monitoring of fishing and fishing-related activities. EAF addresses ecological consequences of fishing as well as social, economic and institutional aspects of fisheries sustainability. Adequate legislation and regulatory frameworks are key to successful implementation of the EAF. The continuous review and update of information on legislation and regulatory instruments require the analysis of existing legal frameworks at all levels of governance, to assess whether they remain in force, valid and aligned with international fisheries law standards, including the EAF. The present work was prepared with a view to assess the level of alignment of national policy and legal frameworks of Liberia. Based on this preliminary assessment, policymakers, legal practitioners and fisheries managers can take the necessary steps for improving the EAF implementation in their country. These steps could involve the amendment of existing legislation and/or enactment of new legislation and development of new policies to bring fully in line with an EAF.

For more information:

The EAF-Nansen Programme

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ISBN 978-92-5-137588-4



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CC4140EN/1/02.23