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Delegations will find attached the above-mentioned document.

**WORKING DOCUMENT FROM THE DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND
FISHERIES OF THE EUROPEAN COMMISSION**

**ASSESSMENT OF THE EX-ANTE EVALUATION OF A POSSIBLE FUTURE FISHERIES PARTNERSHIP
AGREEMENT AND PROTOCOL BETWEEN THE EUROPEAN UNION AND THE REPUBLIC OF LIBERIA**

The present working document aims at providing an assessment by the European Commission of the ex-ante evaluation of a possible future Fisheries Partnership Agreement (FPA) and Protocol with the Republic of Liberia, in particular the findings and conclusions included in the evaluation report.

The descriptive part of the report provides an overview of the environmental, economic and political situation in Liberia, as well as a presentation of its fisheries governance and resources and their current exploitation by local and foreign fleets, as well as data on fish processing, export and trade figures. The descriptive part is completed by a prospective chapter on the appropriateness and possible options for the conclusion of an FPA, based on an analysis of the needs and wishes of both potential partners as well as on the state of the relevant stocks. The report also gives some recommendations on the orientations the EU could follow with regard to the implementation of such an FPA, based on lessons learned from FPAs with other countries in the region. The main conclusion of the report is that it would be in the interest of both Liberia and the European Union (EU) to conclude an FPA and protocol.

However, the findings, conclusions and recommendations formulated in the evaluation report need to be considered in the light of the following constraints and limitations:

1) The authorities of Liberia were not consulted for the purpose of the evaluation. The evaluation is based on the knowledge and analyses of its authors, reviews of relevant literature and consultations with relevant organisations in West Africa and within the EU (European Commission, European External Action Service and selected Member State administrations) as well as the private sector. As a result, the chapter detailing Liberia's needs to be met - in particular in relation to sectoral support – is largely based on assumptions which will need to be confirmed by the Liberian authorities in the context of possible future negotiations.

2) The importance of fisheries activities in Liberian waters is very likely to be understated due to shortcomings in data collection and lack of reliable data in particular regarding the tuna fishery. This may be compounded by the fact fishing zones coordinates are sometimes used for catch reporting which are different from the official EEZ coordinates of the relevant coastal states. The lack of reliable data is likely to have an impact on the assessment of fishing opportunities under any

These two factors constitute important limitations which are acknowledged in the report and need to be taken into account when using the findings, conclusions and recommendations of the evaluation. In particular, the evaluation will need to be completed and confirmed by contacts and consultations with the Liberian authorities.

**Framework contract MARE/2011/01
Evaluation and impact assessment activities
for DG MARE**

**Lot 3 – Retrospective and prospective evaluations on
the international dimension of the common
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Specific contract n° 5

**Ex ante evaluation of a possible future fisheries
partnership agreement and protocol between
the European Union and Liberia**



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<p>This report has been prepared with the financial support of the European Commission.</p> <p>The views expressed in this study are those of the authors and do not necessarily reflect the views of the European Commission or of its services.</p> <p>The content of this report may not be reproduced, or even part thereof, without explicit reference to the source.</p> <p style="text-align: center;">This report must be cited in as follows:</p> <p>NFDS, MRAG, COFREPECHE and POSEIDON, 2013. Ex ante evaluation of a possible future fisheries partnership agreement and protocol between the European Union and Liberia (Framework contract MARE/2011/01 – Lot 3, specific contract 6). Brussels, 85 p.</p>		
<p>Cover photo: P. E. Bergh, caught tuna in Liberian waters and being offloaded in Côte d'Ivoire, May 2012</p> <p style="text-align: center;">COFREPECHE: 32 rue de Paradis, 75010 Paris, France. info@cofrepeche.fr</p>		
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Action	First name	Surname	Organisation Position
Author(s)	Sandy	Davies	NFDS Team leader
	Peter	Manning	NFDS Fisheries economist
	Per Erik	Bergh	NFDS MCS Expert
Peer review	Chris Robert	Mees Wakeford	MRAG Managing Director MRAG Director
Proofreading	Sandy	Davies	NFDS Team leader
Edition	Matthew	Bunce	MRAG Senior Consultant
Approval	Sandy	Davies	NFDS Director
Validation	Vincent	Defaux	COFREPECHE, Consortium focal point

Executive summary

Introduction

1. The Republic of Liberia, in West Africa, has a 570 km coastline along the Atlantic ocean. The Exclusive Economic Zone (EEZ) of 246 152 km² is home to demersal and pelagic fishery resources that provide food, employment and income. Liberia is adjacent to the Gulf of Guinea current and from November to March three of the tropical tunas - yellowfin, bigeye and skipjack - migrate through its EEZ. However, Liberia currently has neither agreements nor any specific tuna licence conditions in place to permit fishing of these highly migratory fishery resources.

2. This report provides an ex ante evaluation for a possible Fisheries Partnership Agreement (FPA) and Protocol between the EU and Liberia. Such an agreement, if put in place, would provide the basis for fishing authorisations from Liberia for the EU fleet to target highly migratory species in its EEZ. The evaluation is intended to inform a decision as to whether a mandate should be given to the European Commission to negotiate an FPA/Protocol with Liberia on behalf of the EU. The evaluation was completed between February and August 2013 as a desk-top study, and is informed by a regional analysis of tuna fisheries in the Atlantic Ocean (COFREPECHE et al., 2013¹, referred in this report as the Regional Report).

Background

3. Liberia lies between 4°N and 9°N latitude and has maritime borders with Côte d'Ivoire (east) and Sierra Leone (west) and a northern land-only border with Guinea. The maritime border with Côte d'Ivoire was agreed in 1961, while the border with Sierra Leone has still not been formally agreed. On 12 January, 2012, Liberia declared a 200 nautical miles EEZ by Executive Order and renewed the Executive Order on 10 January 2013.

4. Liberia recently emerged from over two decades of civil conflict, followed by democratic elections in 2005 and 2011. Both elections were won by President Ellen Johnson Sirleaf and her United Party. The country has been largely at peace since 2005, assisted by the peacekeeping force of the United Nations Mission in Liberia (UNMIL). Liberia is one of the world's least developed countries and has the fifth-lowest global Human Development Index score. In 2011, Gross Domestic Product (GDP) was EUR 1 billion, the Gross National Income per annum per capita was EUR 228 and around half of the four million population was living below the poverty line. Although the baseline is very low, social and economic indicators of progress are rising for Liberia, for example GDP grew at 9.4 % in 2011.

5. About a half of the population lives at the coastline, while 80 % of Liberians directly depend on fish for animal protein. Liberians consume an average of 5 kg of fish per year, a relatively low amount compared to the 17 kg average for other coastal states in sub-Saharan Africa. Fisheries are estimated to contribute 12 % of agricultural GDP and around 3.2 % of the country's overall GDP. The main contributors to GDP are the rubber and timber industries. The fishery catch reported to FAO from Liberia in 2010 was 8 000 t, which is likely to be an underestimate due to limited data collection.

¹ COFREPECHE, POSEIDON, MRAG and NFDS, 2013. Review of tuna fisheries in the East Atlantic Ocean (Contract MARE/2011/01 framework - Lot 3, Specific Contract No 5).

6. Liberia is a member of various African integration bodies, including the African Union (AU), the Economic Community of West African States (ECOWAS), the Mano River Union (MRU); the Community of Sahel-Saharan States (CEN-SAD); and three regional fisheries bodies: the Committee for the Eastern Central Atlantic Fisheries (CECAF); the Fishery Committee for the West Central Gulf of Guinea (FCWC); and the Ministerial Conference on Fisheries Cooperation between African States Bordering the Atlantic Ocean ATLAFCO/COMHAFAT). Liberia has initiated the process to become a member of the International Convention on the Conservation of Atlantic Tunas (ICCAT).

7. The EU and Liberia have been development partners over many decades, and since 2000 this has been based on the Cotonou Agreement. In 2009 the EU opened a full Delegation in Monrovia, the capital city, and they now manage a fund worth EUR 224 million under the 10th European Development Fund. The EU and Liberia have significant trade relations with the EU importing EUR 257 million and exporting EUR 724 million worth of goods from and to Liberia in 2011.

Fisheries governance in Liberia

8. The fisheries authority for Liberia is the Bureau of National Fisheries (BNF) which falls within the Ministry of Agriculture (MOA). While the BNF builds up its own capacity and resources, they are being supported by local and international staff and experts and additional resources through the Liberian component of the World Bank-funded West African Regional Fisheries Programme (WARFP – Liberia) and to a lesser degree by the Community Science Programme. Other authorities and agencies that are engaged in the fisheries sector include: the Environmental Protection Agency (EPA), Ministry of Defence (Liberian Coast Guard), Liberia Maritime Authority, Liberia Ports Authority, Ministry of Finance, Ministry of Immigration and Naturalization, Ministry of Justice and UNMIL.

9. Liberia is currently preparing its first dedicated fisheries sector policy and strategy that will guide sector development. Provisions for foreign fishing vessels are in the 2010 Fisheries Regulations, covering requirements for fishing and trans-shipment authorisations, authorisations to enter port or to deploy or maintain fish aggregating devices, the provision for a possible performance bond and requirements relating to observers and the fee structure. Other legislation of relevance to the sector includes the Maritime Act (2010), the National Defence Act (2008) and the Environmental Protection Agency Act (2003).

10. Fisheries management systems are slowly developing in Liberia, with an overarching fisheries management plan being developed for the mixed demersal species and community-based organisations being promoted as a mean for implementing such plans. A challenge is the lack of data and information, including on the status of fish stocks and the level of fishing effort including illicit, unregulated and undeclared (IUU) fishing, which limits Liberia's ability to adopt appropriate management measures.

11. For monitoring, control and surveillance (MCS) of the fisheries sector Liberia has eight inspectors, 14 observers and four control officers. They are supported by an inter-agency MCS Joint Committee and a new national Fisheries Monitoring Centre with its staff of four control officers, communications equipment and other surveillance tools. The Centre runs an effective Fisheries Hotline. Two satellite MCS coastal stations are being established to extend the MCS' capabilities along the coastline. Liberia's fishery air and sea surveillance is undertaken in cooperation with UNMIL and the Coast Guard, but due to limitations in the range of the vessels available only near-shore patrolling is possible. A licensing committee oversees pre-licensing processes, the allocation of licences and due diligence procedures that are part of the BNF's efforts to improve their work routines and to increase transparency. A noteworthy achievement in 2012 in this respect was the launch of the BNF fisheries website, providing a high level of transparency to BNF operations.

12. While still fragile and in need of further strengthening, overall the governance system is assessed to be sufficiently developed to now adequately manage Liberia's tuna fisheries. This is in part attributable to Liberia's expected membership of ICCAT which provides for regional cooperation in the management of the tuna stocks, the progress it has made in implementing MCS and its commitment to the fight against illegal fishing.

13. With respect to the implementation of the EU IUU Catch Certificate Scheme, as laid down in Council Regulation EC 1005/2008 and subsequent legislation for third countries exporting marine fisheries products to the EU, the EU has not yet published the flag state notification of Liberia, and the country cannot therefore validate EU catch certificates for fishery products to be exported to the EU.

The domestic fishing sector in Liberia

14. The domestic fishing sector in Liberia consists of three distinct fisheries using different fishing craft and gear. These include the artisanal and semi-industrial sub-sectors (together forming the small-scale sector) and the industrial sub-sector. These target demersal and pelagic species of fin-fish and crustaceans, and in 2009 the recorded catch from the domestic sector was 5 781 t, which is considered to be an under-estimate due to poor data collection. There are approximately 33 000 people employed in the small-scale sector. The artisanal fishery includes 3 000 wooden dug-out canoes operated by Liberians, while the semi-industrial fishery includes 500 larger vessels built with planks and operated by Fanti fishers originally from Ghana. All the crafts require fishing vessel licenses that are issued once checks have been made by the BNF and the licensing fees have been paid to the Ministry of Finance. The domestic industrial fishery in Liberia has always been small and, presently, it includes just one demersal shrimp trawler.

15. Local agents exist to provide services to the foreign industrial fishing vessels (as is required by the Fisheries Regulations) and stevedoring is available. Basic fisheries infrastructure, such as sanitary fish-handling, processing and storage facilities for processed products, are generally not available, and the catch is sold dried, smoked or fresh at local markets, hotels and restaurants.

Distant water fishing vessel activity in Liberia's EEZ

16. The EU and Liberia have never had an FPA. In fact, Liberia does not have a bilateral fisheries access agreement with any country or any professional association representing the industry, nor does it have private agreements for fishing vessels targeting tuna with any individual companies – no vessels are authorised at the time of writing to catch tuna in Liberia's EEZ but many vessels fished in the past without proper licences recognised by the Liberian government. In September, 2013, two foreign-flagged industrial vessels, both South Korean-flagged demersal trawlers, were licensed to fish in Liberian waters. It was granted access on the basis of a private licence following the framework set out in the 2010 Fisheries Regulations and based on a licence fee calculated at 10 % of the 'vessel value of the catch and bycatch' taken during the license period. No joint-venture enterprises involving foreign fishing companies exist, nor do Liberian companies have any chartering arrangements for foreign fishing vessels.

17. In January 2011, when the new Fisheries Regulations were introduced, a moratorium banning all industrial fishing between 19 January 2011 and 1 April 2011, was announced in order to allow companies to comply with the new Regulations and for the BNF to put into operation its MCS system. The moratorium was ignored by some vessels. In 2012, the BNF dealt with 38 foreign vessels accused of fishing illegally in Liberian waters too: 31 of these cases have been closed, subject to fines paid to the Liberian Government totalling EUR 2.6 million.

18. The Liberian EEZ is clearly attractive to the EU fleet², as exemplified by on-going negotiations between the BNF and professional associations representing European interests to agree a standardised Memorandum of Understanding for access to the tuna resources within the EEZ of Liberia³.

19. According to ICCAT data, and as described in the Regional Report, there were 65 purse seine tuna vessels operating in the tropical tuna fisheries in the Atlantic in 2010. According to data reported to ICCAT, EU purse seiners caught 5 796 t of tuna in Liberian waters in 2011 and an average of 3 745 t per year for the decade 2002-2011.

Evaluation findings

20. The key long-term need of a possible FPA/Protocol which is shared by both the EU and Liberia is the sustainability of capture fisheries production occurring in the region and migrating through Liberia's waters. This requires that relevant parties (i.e. the EU, fisheries regional organisations (ICCAT and FCWC), and Liberia's administration) work together in partnership to enhance capacities both within Liberia and regionally, to help to foster improved governance, continued developments in science, implementation of fisheries policy, continued developments in MCS, and the fight against IUU fishing. There is a shared need for various EU parties and Liberia to use an agreed set of coordinates for the fishing area of Liberia and for this to be based on the coordinates that Liberia uses to officially define its EEZ to eliminate possible confusion in catch reporting. Other shared needs of both the EU and Liberia include the need for a possible FPA/Protocol to be concluded in the spirit of fair, transparent, and equitable cooperation and respect for human rights and democratic principles, and to aim at sharing benefits fairly between the two parties.

21. Liberia's expected needs for a possible future FPA/Protocol may include: the security of a framework for a longer-term income flow from selling access to their tuna resources, the requirement to land by-catch to the local market to boost local protein supply, options to increase employment opportunities for Liberian seamen, observers and agents, a national observer programme on some EU vessels, functioning VMS on EU vessels and improved communications with EU flag states. Liberia will require that any sector support under a possible FPA/Protocol is coherent with their sector policy that is currently being finalised and other initiatives in the country. Examples of anticipated needs for sector support include: on-going funding to the sector to ensure that the BNF can fulfil its function including strengthening the MCS system, feasibility studies for inland fisheries and on-shore processing, and support for strengthened cooperation for regional information sharing with other port states and neighbouring countries. The EU needs from a possible FPA/Protocol with Liberia would be for an agreement including fishing opportunities for skipjack, yellowfin and bigeye tuna resources i.e. highly migratory species for at least the 23 EU registered purse seine vessels currently operating in the Atlantic Ocean.

² See below

³ The draft Memorandum is available on the BNF website.

22. Recent experiences in the fisheries sector in Liberia, other FPAs/Protocols and the Regional Report, suggest a number of important lessons learned from the past that can inform a possible future FPA/Protocol. Some of the most important include: a long history of EU purse seine vessels fishing in the Liberia EEZ which suggests that there could be good uptake of purse seine fishing authorisations and utilisation of catching opportunities under a FPA/Protocol between the EU and Liberia this is important as where FPAs/Protocols are not well utilised FPAs/Protocols may result in considerable financial outlays from the EU to the third country that do not provide value for money for the EU, a reference tonnage should therefore be set at appropriate levels and the time-period of the FPA/Protocol should allow review and reconsideration. The pervasiveness and destructiveness of IUU fishing in Liberian waters and in the region more generally have been demonstrated and an FPA/Protocol would help set a mutually acceptable standard for fisheries agreements, to strengthen MCS, and contribute to improved governance of the sector.

23. This evaluation specifies the environmental, economic and social objectives of a possible FPA/Protocol, and outlines two policy options, or interventions, to be evaluated. The first is an option to have an FPA/Protocol for highly migratory species (for about 25 EU purse seine vessels with financial contributions for access and sectoral support, and with a Joint Committee to oversee implementation), and the second is for EU vessel owners to continue to negotiate a Memorandum of Understanding (MoU) with the Liberian government to have access to Liberian waters and to not have a FPA/Protocol.

24. The evaluation when considered in its totality suggests that option 1 (to conclude an FPA/Protocol) is preferable. While there are some risks in relation to value for money provided by EU funds under option 1, the FPAs overall objectives of sustainable exploitation, sustaining and developing the economy of Liberia, the EU and the ACP neighbouring States would be less likely to be achieved under option 2 - if there was no FPA/Protocol. Although Liberia has expressed their wish to negotiate an FPA/Protocol, the EU would need to investigate whether Liberia's needs as identified by the authors are correct.

25. The added value of EU/DG MARE involvement in a FPA/Protocol relates to the risks associated with option 2, these are: the provision of sectoral support funding under option 1 but with no such funds provided by private vessel owners under option 2; greater coherence under option 1 between access arrangements and other EU-linkages with Liberia than would be the case under option 2; improved options for support in facilitating EU flag state cooperation with Liberia under option 1 and not under option 2; increased legal certainty and security of rights for vessel owners under option 1 than under option 2; and a more strengthened role of the EU within the region under option 1 than under option 2.

26. In relation to the appropriate method of implementation of the preferred option (to have a FPA/Protocol between the EU and Liberia), the Council of the EU must first be provided with this ex ante evaluation and the Regional Report, and the European Commission must then be given a mandate to negotiate a FPA/Protocol with Liberia on behalf of the EU. The European Commission and Liberia should then prepare for, and complete negotiations regarding the detailed content of the FPA/Protocol. The content of the FPA/Protocol would then need to be approved by Liberia's government and by the Council of the EU, and the European Parliament under the consent procedure. With regards to minimising the risks outlined above, the text of the FPA/Protocol should recognise and address the risks highlighted in this ex ante evaluation. With respect to monitoring and evaluation, the most appropriate method of implementation would be for a logframe for the intervention to be developed by the EU, for a policy support matrix to be jointly agreed by the EU and Liberia, for a Joint Committee to oversee implementation, and for an evaluation to be completed before the Protocol expires, of both ex post results/impacts, and of potential ex ante results/impacts of a future Protocol.

Summary comparison of two policy options being evaluated

Option 1 (FPA/Protocol) – key benefits/costs	Option 2 (No FPA/Protocol) – key benefits/costs
<p><u>Support to sustainability objectives</u> – high through the content of FPA/Protocol/Annex text and financial contributions for sectoral support funding</p> <p><u>Relevance to needs</u> – medium/high; no increase in total catches for the EU fleet in the short term, small upstream or downstream benefits/linkages in the EU or Liberia (through possible requirement to use Liberian crew/observers and other BNF employment increases) and greater security in maintaining current catches. Regional network of fishing opportunities for EU fleet more secure and enlarged, and financial contributions to Liberia more secure and long-term</p> <p><u>Effectiveness</u> – medium; a 3 to 5-year Protocol assumed providing good security of rights for vessels (subject to any reassessment of fishing opportunities), but low flexibility to match costs of access to changes in fish prices and utilisation</p> <p><u>Efficiency</u> – unclear without economic/financial modelling and with financial contributions not known. Risk of low efficiency and value for money for the EU if there is low utilisation of fishing opportunities – mitigation measure possible by concluding the relevant reference tonnage</p> <p><u>Coherence</u> – high between access arrangements and other EU-linkages with Liberia, with EU's role as a member of the ICCAT and sectoral support can be complementary to EDF rules</p>	<p><u>Support to sustainability objectives</u> – low as access conditions are not likely to cover many issues typically included in FPA/Protocol/Annex texts, and there would be no sectoral support funding or Joint Committee monitoring</p> <p><u>Relevance to needs</u> – medium; similar to option 1, but possibly slightly reduced employment and no sectoral support funding in support of fisheries sector management needs</p> <p><u>Effectiveness</u> – medium; yearly fishing authorisations are in principle flexible/adaptive to changes in fish prices and only taken up if required</p> <p><u>Efficiency</u> – unclear without information/assumptions about costs of access and complementary calculations</p> <p><u>Coherence</u> - low between access arrangements and other EU-linkages with Liberia, and with EU's role as a member of the ICCAT</p>

Source: consultants' findings

27. Given i) the typical content of the text of FPAs/Protocols, ii) the reform of the external dimension of the Common Fisheries Policy, iii) that new templates for text for the FPAs, Protocols and Annexes is currently under preparation by DG MARE in light of the CFP reform process, and iv) the EU's status as a member of the ICCAT, it can be expected that a FPA/Protocol will be fully coherent with the CFP (and its reform), with ICCAT arrangements, and with the EU's international obligations. The sectoral support matrix would also ensure that the FPA/Protocol is fully coherent with the future national fisheries sectoral policy in Liberia.

28. Appropriations from the EU budget would be determined by levels of financial contribution to be paid by the EU to Liberia for access and sectoral support. The exact amounts involved cannot be estimated at this stage.

Résumé

Introduction

1. La République du Liberia, en Afrique de l'ouest, possède 570 km de côtes le long de l'océan Atlantique. Sa zone économique exclusive (ZEE) de 246 152 km² abrite des ressources halieutiques démersales et pélagiques qui apportent de l'alimentation, de l'emploi et des revenus. La ZEE du Liberia est adjacente au courant du golfe de Guinée, et trois des espèces de thons tropicaux - l'albacore, le thon obèse et le listao - migrent à travers sa ZEE de novembre à mars. Toutefois, le Liberia n'a actuellement ni accords ni conditions de licence spécifiques pour le thon mis en place pour autoriser la pêche de ces ressources halieutiques hautement migratoires.

2. Ce rapport fournit une évaluation ex ante pour un éventuel accord de partenariat de pêche (APP) et un protocole entre l'UE et le Liberia. Un tel accord, s'il est mis en place, pourrait servir de base pour des autorisations de pêche du Liberia afin que la flotte de l'UE puisse cibler les espèces hautement migratoires dans sa ZEE. L'évaluation vise à établir et analyser les éléments de base permettant une prise de décision sur l'octroi d'un mandat à la Commission européenne en vue de négocier un APP/protocole avec le Liberia au nom de l'Union européenne. L'évaluation a été réalisée entre février et août 2013 sous la forme d'une étude documentaire préliminaire et se base sur une analyse régionale de la pêche thonière dans l'océan Atlantique (COFREPECHE et al., 2013⁴, mentionnée dans ce rapport en tant *Regional report* [« Rapport régional »]).

Contexte

3. Le Liberia se situe entre les latitudes 4°N et 9°N et possède des frontières maritimes avec la Côte d'Ivoire (est), la Sierra Leone (ouest) et une frontière terrestre au nord avec la Guinée. La frontière maritime avec la Côte d'Ivoire a fait l'objet d'un accord en 1961, tandis que la frontière avec la Sierra Leone n'a pas encore été formellement définie. Le 12 janvier 2012, le Liberia a déclaré une ZEE de 200 milles nautiques par décret et a renouvelé ce décret le 10 janvier 2013.

4. Le Liberia a récemment émergé de plus de deux décennies de guerre civile, avec la tenue d'élections démocratiques en 2005 et 2011. Ces deux élections ont été remportées par le président Ellen Johnson Sirleaf et son Parti Uni ou *United Party*. Le pays est largement pacifié depuis 2005, avec l'aide de la force de maintien de la paix de la Mission des Nations Unies au Liberia (MINUL). Le Liberia est l'un des pays les moins développés du monde, au cinquième rang le plus bas du classement mondial de l'indice de développement humain. En 2011, le produit intérieur brut (PIB) était de 1 milliard d'euros, le revenu national brut par habitant et par an était de 228 euros et près de la moitié de sa population de quatre millions d'habitants vivait en-dessous du seuil de pauvreté. Malgré que le niveau de départ soit si bas, les indicateurs de développement sociaux et économiques sont en hausse pour le Liberia, par exemple, le PIB a progressé de 9,4 % en 2011.

⁴ COFREPECHE, POSEIDON, MRAG and NFDS, 2013. Revue de la pêche thonière dans l'océan Atlantique est (Contrat-cadre MARE/2011/01 - Lot 3, contrat spécifique No 5).

5. Environ la moitié de la population habite sur le littoral et 80 % des Libériens dépendent directement du poisson comme source de protéines animales. Les Libériens consomment en moyenne 5 kg de poisson par an, une quantité relativement faible par rapport à la moyenne de 17 kg pour les autres États côtiers de l'Afrique sub-saharienne. La pêche contribuerait à 12 % du PIB agricole et à environ 3,2 % du PIB total du pays. Les principaux secteurs contribuant au PIB sont les industries du caoutchouc et du bois. Les captures de produits halieutiques déclarées par le Liberia à la FAO en 2010 étaient de 8 000 t, quantité probablement sous-estimée en raison des capacités limitées de collecte des données.

6. Le Liberia est membre de divers organismes d'intégration africains, y compris l'Union africaine (UA), la Communauté économique des États d'Afrique occidentale (CEDEAO), l'Union du fleuve Mano (UFM) ; la Communauté des États sahélo-sahariens (CEN-SAD) ; et trois organismes régionaux des pêches: le Comité des pêches pour l'Atlantique centre-est (COPACE) ; le Comité des pêches du centre-ouest du golfe de Guinée (CPCO) ; et la Conférence ministérielle sur la coopération halieutique entre les États africains riverains de l'océan Atlantique (ATLAFCO/COMHAFAT en anglais). Le Liberia a entamé le processus d'adhésion à la Convention internationale sur la conservation des thonidés de l'Atlantique (CICTA).

7. L'UE et le Liberia ont été des partenaires pour le développement pendant plusieurs décennies et depuis 2000 ce partenariat s'est basé sur l'Accord de Cotonou. En 2009, l'UE a ouvert une délégation à Monrovia, la capitale, qui gère désormais un fonds de 224 millions d'EUR dans le cadre du 10^e Fonds européen de développement. L'UE et le Liberia ont des relations commerciales importantes, l'UE important l'équivalent de 257 millions d'EUR et exportant pour 724 millions d'EUR de marchandises du et au Liberia en 2011.

La gouvernance des pêches au Liberia

8. L'autorité en charge de la pêche au Liberia est le Bureau national des pêches (BNP), qui relève du ministère de l'agriculture (MA). Tandis que le BNP développe ses propres capacités et moyens, ses tâches sont prises en charge par du personnel local et international, par des experts et du personnel supplémentaire à travers la composante libérienne du programme régional des pêches de l'Afrique de l'ouest financé par la Banque mondiale (PRAO - Liberia) et dans une moindre mesure par le programme des sciences de la Communauté. D'autres autorités et organismes engagés dans le secteur de la pêche sont: l'Agence de protection environnementale (APE), le Ministère de la défense (Garde-côtes libériens), l'Autorité maritime du Liberia, l'Autorité portuaire du Liberia, le ministère des finances, le ministère de l'immigration et de la naturalisation, le ministère de la justice et la MINUL.

9. Le Liberia prépare actuellement sa première politique sectorielle dédiée à la pêche et une stratégie qui guidera le développement du secteur. Les dispositions pour les bateaux de pêche étrangers sont incluses dans la réglementation sur la pêche de 2010 couvrant les exigences pour les autorisations de pêche et de transbordement, les autorisations d'entrer dans le port, de déployer ou de maintenir des dispositifs de concentration de poissons, les dispositions pour une éventuelle exigence de performance et les conditions relatives aux observateurs et à la structure de la taxe. D'autres lois pertinentes pour le secteur sont la loi maritime (2010), la loi sur la défense nationale (2008) et la loi sur l'Agence de protection de l'environnement (2003).

10. Les systèmes de gestion des pêches se développent lentement au Liberia. Un plan de gestion global des pêches en cours d'élaboration pour les espèces démersales mixtes et les organisations communautaires sont promues comme moyen de mettre en œuvre ce plan. Un défi est le manque de données et d'informations, y compris sur l'état des stocks de poissons et le niveau de l'effort de pêche, notamment la pêche illicite, non déclarée, non réglementée (INN), qui limite la capacité du Liberia d'adopter des mesures de gestion appropriées.

11. Pour le suivi, le contrôle et la surveillance (SCS) du secteur de la pêche, le Liberia dispose de huit inspecteurs, de 14 observateurs et de quatre agents de contrôle. Ils sont appuyés par un Comité mixte inter-agences de SCS et par un nouveau Centre national de surveillance des pêches, avec son équipe de quatre agents de contrôle, ses équipements de communication et ses autres outils de surveillance. Le Centre organise une ligne directe efficace pour les pêches. Deux stations côtières satellitaires de SCS sont actuellement mises en place pour étendre les capacités de SCS sur le littoral. La surveillance en air et en mer du Liberia se réalise en collaboration avec la MINUL et la Garde côte mais en raison de limitations dans la gamme des bateaux disponibles, seule une patrouille près des côtes est possible. Un Comité d'évaluation des licences supervise le processus de pré-licence, l'attribution des licences et la diligence appropriée faisant partie des efforts du BNP pour améliorer ses habitudes de travail et accroître sa transparence. Un résultat de 2012 à cet égard valant la peine d'être mentionné a été le lancement du site internet du BNP consacré à la pêche, offrant un haut niveau de transparence aux opérations du BNP.

12. Alors qu'il est encore fragile et a besoin d'un renforcement, dans l'ensemble, le système de gouvernance est désormais jugé suffisamment développé pour gérer adéquatement les pêcheries de thon au Liberia. Cela est en partie attribuable à l'adhésion attendue du Liberia à la CICTA, qui prévoit une coopération régionale dans la gestion des stocks de thon, aux progrès que le Liberia a accomplis dans la mise en œuvre du SCS et à son engagement dans la lutte contre la pêche illégale.

13. En ce qui concerne la mise en œuvre du schéma INN de certification des captures de l'UE, tel que prévu par le règlement CE 1005/2008 et par la législation complémentaire pour les pays tiers exportant des produits de la pêche maritime vers l'UE, l'UE n'a pas encore publié de notification pour le pavillon du Liberia. Le pays ne peut donc pas valider de certificats de capture européens pour les produits de la pêche destinés à être exportés vers l'UE.

Le secteur national de la pêche au Liberia

14. Le secteur national de la pêche au Liberia est composé de trois pêcheries distinctes utilisant différentes embarcations et engins de pêche. Chacune d'entre elles est constituée d'un sous-secteur artisanal et semi-industriel (formant ensemble le secteur à petite échelle) et d'un sous-secteur industriel. Le secteur national cible les espèces démersales et pélagiques de poissons et de crustacés. En 2009, les captures enregistrées par le secteur national s'élevaient à 5 781 t, ces chiffres étant considérés être sous-estimés en raison des lacunes dans la collecte des données. Le secteur à petite échelle emploie environ 33 000 personnes. La pêche artisanale compte 3 000 pirogues en bois exploitées par des Libériens, tandis que la pêche semi-industrielle comprend 500 grands navires construits avec des planches et exploités par les pêcheurs Fanti originaires du Ghana. Toutes les pêcheries requièrent des licences pour les navires de pêche, émises une fois que les contrôles ont été réalisés par le BNP et que les frais de licence ont été payés au ministère des finances. La pêche industrielle nationale au Liberia a toujours été réduite et ne comprend actuellement qu'un seul chalutier crevettier démersal.

15. Il existe des agents locaux pour fournir des services aux navires étrangers de pêche industrielle (tel que requis par le règlement sur les pêches) et des services de manutention sont disponibles. Les infrastructures de base pour la pêche telles que des installations sanitaires de manutention du poisson, de transformation et de stockage pour les produits transformés, ne sont généralement pas disponibles et les captures sont vendues séchées, fumées ou fraîches sur les marchés locaux, dans les hôtels et dans les restaurants.

L'activité des navires de pêche hauturière dans la ZEE du Liberia

16. L'UE et le Liberia n'ont jamais eu d'APP. Plus précisément, le Liberia ne dispose d'aucun accord bilatéral d'accès aux pêcheries avec un autre pays ou avec une association professionnelle représentant l'industrie. Ce pays n'a pas non plus d'accords privés pour les navires de pêche ciblant le thon avec des entreprises individuelles - au moment de l'écriture de ce rapport, aucun navire n'est autorisé à pêcher le thon dans la ZEE du Liberia, mais de nombreux navires ont, dans le passé, pêché sans licences appropriées reconnues par le gouvernement libérien. En septembre 2013, deux navires industriels battant pavillon étranger - deux chalutiers de pêche démersale battant pavillon sud-coréen - ont été autorisés à pêcher dans les eaux libériennes. Cet accès a été accordé sur la base d'une licence privée suivant le cadre prévu dans la réglementation sur la pêche de 2010 et d'une redevance calculée à 10 % de la « valeur des captures et des prises accessoires du navire » au cours de la période de licence. Aucune entreprise mixte impliquant des sociétés de pêche étrangères n'existe et les compagnies libériennes n'ont pas d'accords d'affrètement avec les navires de pêche étrangers.

17. En janvier 2011, lorsque la nouvelle réglementation sur la pêche a été introduite, un moratoire sur la pêche industrielle entre le 19 janvier 2011 et le 1^{er} avril 2011 a été annoncé afin de permettre aux entreprises de se mettre en conformité avec les nouveaux règlements et au BNP de mettre en place son système de SCS. Le moratoire a été ignoré par certains navires. En 2012, le BNP a géré le dossier de 38 navires étrangers accusés eux aussi de pêcher illégalement dans les eaux libériennes: 31 de ces cas ont été clos, sous réserve d'amendes payées au gouvernement libérien d'un total de 2,6 millions d'EUR.

18. La ZEE du Liberia est clairement attractive pour la flotte de l'UE⁵, comme en témoignent les négociations en cours entre le BNP et les associations professionnelles qui représentent les intérêts européens pour convenir d'un protocole d'accord standardisé pour l'accès aux ressources thonières dans la ZEE du Liberia⁶.

19. Selon les données de la CICTA et comme décrit dans le rapport régional, il y avait 65 thoniers senneurs opérant dans les pêcheries de thons tropicaux dans l'Atlantique en 2010. Selon les données déclarées à la CICTA, les senneurs de l'UE ont capturé 5 796 t de thon dans les eaux libériennes en 2011 et une moyenne de 3 745 tonnes par an pour la décennie 2002-2011.

⁵ Voir ci-dessous

⁶ Le projet de protocole est accessible sur le site du BNP.

Résultats de l'évaluation

20. Le principal besoin à long terme d'un possible APP/protocole, partagé à la fois par l'UE et le Liberia, est lié à la durabilité de la production de poissons capturés dans la région et migrant à travers les eaux du Liberia. Cela exige que les parties concernées, soit l'Union européenne, les organisations régionales de pêche (CICTA et CPCO) et l'administration du Liberia travaillent ensemble pour renforcer les capacités tant à l'intérieur du Liberia qu'au niveau régional afin de promouvoir l'amélioration de la gouvernance, la poursuite des développements de la science, la mise en œuvre de la politique des pêches, une évolution continue des activités de SCS et la lutte contre la pêche INN. Il y a un besoin partagé pour les différentes parties prenantes européennes et libériennes d'utiliser un ensemble convenu de coordonnées pour la zone de pêche du Liberia et que cela soit basé sur les coordonnées que le Liberia utilise pour définir officiellement sa ZEE, afin d'éliminer tout risque de confusion dans la déclaration des captures. D'autres besoins communs de l'UE et du Liberia comprennent la conclusion d'un possible APP/protocole dans un esprit de coopération loyale, transparente et équitable et dans le respect des droits de l'homme et des principes démocratiques, en visant un partage équitable des avantages entre les deux parties.

21. Les besoins anticipés pour le Liberia d'un possible APP/protocole peuvent inclure: la sécurité d'un cadre pour un flux de revenus à long terme issus de la vente d'accès à leurs ressources en thon, l'obligation de débarquer les captures accessoires sur le marché local pour stimuler l'offre locale de protéines, l'opportunité d'accroître les possibilités d'emploi pour des marins, des observateurs et des agents libériens, un programme national d'observateurs sur certains navires de l'UE, des VMS en fonctionnement sur les navires de l'UE et l'amélioration des communications avec les États du pavillon de l'UE. Le Liberia demandera que tout soutien au secteur dans un éventuel APP/protocole soit cohérent avec sa politique sectorielle, qui est actuellement en cours de finalisation, et avec les autres initiatives dans le pays. Des exemples de besoins pour le soutien du secteur comprennent: le financement continu du secteur pour s'assurer que le BNP puisse remplir sa fonction, y compris en renforçant le système de SCS, des études de faisabilité pour la pêche continentale et la transformation à terre, et le soutien pour une coopération renforcée pour le partage de l'information régionale avec d'autres États du port et les pays voisins. Le besoin de l'UE d'un possible APP/protocole avec le Liberia serait un accord qui comprendrait des possibilités de pêche pour les ressources de listao, d'albacore et de thon obèse, c'est-à-dire les espèces hautement migratoires, au moins pour les 23 navires senneurs immatriculés dans l'UE et opérant actuellement dans l'océan Atlantique.

22. Les expériences récentes du secteur de la pêche au Liberia, celles dans le cadre d'autres APP/protocoles et le Rapport régional permettent de tirer un certain nombre de leçons importantes du passé pouvant être utilisées pour définir les modalités d'un possible futur APP/protocole. Les plus importantes sont : une longue tradition de senneurs de l'UE pêchant dans la ZEE du Liberia suggère qu'il pourrait y avoir une bonne absorption des autorisations de pêche des senneurs et une bonne utilisation des possibilités de capture dans le cadre d'un APP/protocole entre l'UE et le Liberia, ceci est important car là où les APP/protocoles ne sont pas bien utilisés, ils peuvent entraîner des dépenses de financement de l'UE considérables vers le pays tiers qui ne sont pas optimisées par l'UE. Par conséquent, un tonnage de référence doit être établi selon le niveau approprié et la période définie pour l'APP/protocole doit permettre le réexamen et la révision de l'accord. L'omniprésence et la destructivité de la pêche INN dans les eaux du Liberia, et plus généralement dans la région, ont été démontrées de telle sorte qu'un APP/protocole aiderait à établir des normes mutuellement acceptables pour des accords de pêche, à renforcer le SCS et à contribuer à améliorer la gouvernance du secteur.

23. Cette évaluation établit les objectifs environnementaux, économiques et sociaux d'un éventuel AAP/protocole et propose deux options politiques, ou interventions, qui doivent être évaluées. La première est l'option d'avoir un AAP/protocole pour les espèces hautement migratoires (pour environ 25 navires senners, avec des contributions financières pour l'accès et l'appui sectoriel et un Comité mixte chargé de superviser la mise en œuvre), la seconde est que les armateurs de l'UE continuent de négocier un protocole d'accord avec le gouvernement libérien pour avoir accès aux eaux libériennes et ne pas avoir d'AAP/protocole.

24. L'évaluation dans son ensemble suggère que l'option 1 est préférable : celle d'avoir un AAP/protocole. Bien qu'il y ait certains risques par rapport à l'optimisation de l'argent fourni par les fonds de l'UE avec l'option 1, les objectifs généraux d'exploitation durable, de soutien et de développement de l'économie du Liberia, de l'UE et de celle des États ACP voisins seraient moins susceptibles d'être atteints avec l'option 2 - s'il n'y avait pas d'AAP/protocole. Bien que le Liberia ait exprimé le souhait de négocier un AAP/protocole, l'UE devra examiner si les besoins du Liberia identifiés par les auteurs sont corrects.

25. La valeur ajoutée de l'implication de l'UE/DG MARE dans un AAP/protocole a trait aux risques associés à l'option 2 et consiste en: la mise à disposition de fonds de soutien sectoriel dans le cadre de l'option 1, sans qu'aucun de ces fonds ne soit fourni par des armateurs privés dans le cadre l'option 2 ; une plus grande cohérence sous l'option 1 avec les modalités d'accès et les autres liens de l'UE avec le Liberia que sous l'option 2 ; une amélioration des options de soutien pour faciliter la coopération entre l'État du pavillon de l'UE et le Liberia pour l'option 1 et non pour l'option 2 ; l'augmentation de la sécurité juridique et de la sécurité des droits des armateurs dans le cadre de l'option 1 par rapport à l'option 2 ; et un plus grand renforcement du rôle de l'UE dans la région dans l'option 1 que dans l'option 2.

26. En ce qui concerne la méthode appropriée pour la mise en œuvre de l'option préférée (avoir un AAP/protocole entre l'UE et le Liberia), le Conseil de l'UE doit d'abord recevoir cette évaluation ex ante ainsi que le rapport régional, et doit ensuite accorder un mandat à la Commission européenne pour négocier un AAP/protocole avec le Liberia au nom de l'UE. La Commission européenne et le Liberia devront se préparer à et achever les négociations concernant le contenu détaillé de l'AAP/protocole. Le contenu de l'AAP/protocole devra alors être approuvé par le gouvernement du Liberia et par le Conseil de l'UE, et le Parlement européen selon la procédure d'approbation. En ce qui concerne la minimisation des risques décrits ci-dessus, le texte de l'AAP/protocole doit prendre en compte les risques mis en évidence dans cette évaluation ex ante. En ce qui concerne le suivi et l'évaluation, la méthode la plus appropriée pour la mise en œuvre serait un cadre logique pour l'intervention que l'UE doit développer, une matrice de soutien politique à convenir conjointement par l'UE et le Liberia, un Comité mixte qui supervise la mise en œuvre et une évaluation à mener avant l'expiration du protocole des résultats/impacts ex post et des potentiels résultats/impacts ex ante d'un futur protocole.

Synthèse comparative des deux options politiques évaluées

Option 1 (APP/protocole) – bénéfices/risques-clés	Option 2 (Pas d'APP/protocole) – bénéfices/risques-clés
<p><u>Soutien aux objectifs de durabilité</u> – fort à travers le contenu de l'APP/protocole/annexe et les contributions pour le financement du soutien sectoriel</p> <p><u>Réponse (pertinence) aux besoins</u> – moyenne/forte ; pas d'augmentation du total des captures pour la flotte de l'UE à court terme, bénéfices dans/liens avec les filières en amont ou en aval dans l'UE ou au Liberia limités (à travers l'exigence possible d'utiliser des équipages/observateurs et d'autres créations d'emploi du BNP) et plus de sécurité dans le maintien des opportunités de pêche actuelles. Réseau régional des possibilités de pêche pour la flotte européenne plus sûr et élargi et des contributions financières plus certaines et à long terme pour le Liberia</p> <p><u>Efficacité</u> – moyenne ; un protocole d'une durée assumée de 3 à 5 ans apportant une bonne sécurité pour les droits des navires (dépendant de toute révision des opportunités de pêche), mais moins de flexibilité pour s'ajuster aux variations des prix du poisson et à l'utilisation du protocole</p> <p><u>Efficience</u> – incertaine sans modélisation économique/financière et sans connaître les contributions financières. Risque de faible rendement et de faible optimisation si les opportunités de pêche sont peu utilisées – une mesure d'atténuation possible pourrait être la définition du tonnage de référence pertinent</p> <p><u>Cohérence</u> – forte avec les modalités d'accès et les autres liens de l'UE avec le Liberia, avec le rôle de l'UE en tant que membre de la CICTA, et l'appui sectoriel peut être complémentaire aux règles du FED</p>	<p><u>Soutien aux objectifs de durabilité</u> – faible car les conditions d'accès ne couvriraient pas la plupart des sujets généralement inclus dans le texte d'un APP/protocole/annexe et qu'il n'y aurait pas de soutien sectoriel ni de Commission paritaire de contrôle</p> <p><u>Réponse (pertinence) aux besoins</u> – moyenne ; comme dans l'Option 1 mais peut-être une légère réduction de l'emploi et pas de soutien financier pour les besoins de gestion du secteur de la pêche</p> <p><u>Efficacité</u> – moyenne ; les autorisations de pêche annuelles sont en principe flexibles/adaptables aux changements dans le prix des poissons et les autorisations ne demandées que si elles sont utilisées</p> <p><u>Efficience</u> – incertaine sans informations/hypothèses sur les coûts de l'accès et des calculs complémentaires</p> <p><u>Cohérence</u> – faible entre les modalités d'accès et les autres liens de l'UE avec le Liberia, et avec le rôle de l'UE en tant que membre de la CICTA</p>

Source: conclusions des consultants

27. Compte tenu i) des standards des textes d'APP/protocoles, ii) de la réforme de la dimension extérieure de la politique commune de la pêche (PCP), iii) du fait que les nouveaux modèles de texte contenu dans les APP, protocoles et annexes soient actuellement en préparation par la DG MARE à la lumière du processus de réforme de la PCP en cours, et iv) du statut de l'Union en tant que membre de la CICTA, il peut être escompté que l'APP/protocole sera pleinement cohérent avec la PCP (et sa réforme), avec les dispositions de la CICTA, et avec les obligations internationales de l'UE. La matrice d'appui sectoriel permettrait également d'assurer que l'APP/protocole soit pleinement cohérent avec la future politique sectorielle nationale de la pêche au Liberia.

28. Les crédits du budget de l'UE seraient définis en fonction des niveaux des contributions financières versées par l'UE au Liberia pour l'accès et l'appui sectoriel. Les montants exacts ne peuvent être estimés à ce stade.

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Introduction

The Republic of Liberia, in West Africa, has a coastline of 570 km along the Atlantic Ocean and an Exclusive Economic Zone (EEZ) covering 246 152 km²⁷. The ocean is a source of food, employment and income to Liberia through its fishery resources. These resources provide the basis for both a vibrant small-scale fisheries sub-sector and an industrial fishery that includes demersal finfish and crustaceans and highly-migratory species, including tuna and tuna-like species. However, Liberia does not have any agreements in place to permit access for fishing within its EEZ for tuna species.

The European Union's (EU) distant water fishing fleets have been targeting tropical tunas in the gulf of Guinea since the 1950s. They currently catch about 10 % of their global tuna catch in the Atlantic Ocean, consisting of mainly skipjack (70 %), yellowfin (25 %) and bigeye (5 %)⁸.

The tropical tunas of the Atlantic are highly migratory and widely distributed; fishing vessels targeting these large pelagic species fish both within coastal state EEZs and on the high seas in order to follow the migration of the tuna. Fishing opportunities for the EU fleet within any third country EEZ are either through FPAs or through private agreements. FPAs provide the European fleet with access to the coastal waters of countries that have resources which they cannot, or do not wish to fish. They are based on objectives that include: contributing towards resources conservation and environmental sustainability through responsible fisheries; protecting the EU long distance fleet and associated employment; and supporting the development of sustainable fisheries sectors by allocating a part of the EU's financial contribution to support national fisheries policy in the partner countries.

In recent years, the number of FPAs in West Africa with current Protocols has declined, with only four in place today (Cape Verde, Côte d'Ivoire, Mauritania and Sao Tome and Principe), although two (Gabon and Morocco⁹) were recently initialled and others are under consideration or negotiation. The reduction in the overall number of FPAs is due to a range of reasons but notably because of human rights-related issues in African partner countries (e.g. Guinea Bissau) and the wish by third countries to develop their own fish catching sectors rather than sell access to foreign countries to fish their resources (e.g. Angola)¹⁰.

⁷ <http://www.seaaroundus.org/eez/>, [2013, March 20]

⁸ Workshop and Meeting Report 'West Africa Regional Collaboration for Monitoring, Control and Surveillance (MCS)' and 'Towards a Sustainable Tuna Fishery in the Coastal States of the West Africa Sub Region'. The Bureau of National Fisheries of the Ministry of Agriculture supported by the West Africa Regional Fisheries Project (WARFP) Liberia, October 30 – November 2, 2012, Golden Gate Hotel, S.K.D. Sports Complex, Monrovia, Liberia.

⁹ http://ec.europa.eu/commission_2010-2014/damanaki/headlines/press-releases/2013/04/20130424-01_en.htm, [2013, March 20]

¹⁰ In the case of Gabon negotiations broke down in 2011 due to differences with respect to the inclusion of a clause on the respect for human rights (<http://www.fis.com/fis/worldnews/worldnews.asp?country=0&monthyear=&l=e&id=60418&ndb=1&df=0>), however, negotiations resumed and the agreed Protocol was initialled in April 2013. The European Parliament did not consent to the conclusion of a Protocol between the EU and Morocco, based primarily on human rights issues with respect to Western Sahara (http://ec.europa.eu/fisheries/cfp/international/agreements/morocco/index_en.htm). A draft FPA was rejected in the European Parliament Fisheries Committee in May 2013 due to the Guinean government's use of force leading to civilian deaths (http://brussels.cta.int/index.php?option=com_k2&view=item&id=3620:eu-guinea-fisheries-agreement-rejected). In 2004 attempts to negotiate a new FPA with Angola failed as a result of the Angolan government attempting to increase local ownership of the fishery sector (<http://ictsd.org/news/biores/63561/>), [2013, April 20].

The EU is interested in expanding fishing opportunities for the EU fleet in West Africa and, according to Article 30(4) of the new Financial Regulation and Article 18 of its new Rules of Application¹¹, European Commission Services have to undertake both ex ante and ex post evaluations of all programmes and activities entailing significant spending. The Council Conclusions on the External Dimension of the Common Fisheries Policy, (CFP) adopted on 19 March 2012,¹² also request that an ex post and ex ante evaluation be undertaken by the European Commission before a new Protocol is negotiated - if there is already an FPA/Protocol in place - and an ex ante evaluation if FPAs/Protocols are being considered, and before the negotiating authorisation is given where they have not previously existed.

Five country evaluations are included under this specific contract; two ex post and ex ante evaluations of Cape Verde and Sao Tome and Principe, and three prospective ex ante evaluations for Guinea, Liberia and Sierra Leone. There is also a regional analysis¹³ of tuna fisheries in the central Atlantic to inform all the ex post and ex ante evaluations, and this additional report is referred to as the 'Regional Report'.

This report constitutes the ex ante evaluation for Liberia. The purpose of the ex ante evaluation, together with the Regional Report, is to provide the Council of the EU with information to assist in deciding whether action is needed to give a mandate to the European Commission to negotiate a FPA/Protocol with Liberia on behalf of the EU.

The findings of this evaluation are presented in six chapters as follows:

- Chapter 1 presents a general background of the situation in the Liberia;
- Chapter 2 considers the fisheries governance framework in Liberia;
- Chapter 3 profiles the domestic fisheries sector in Liberia;
- Chapter 4 assesses the extent of fishing activity in Liberia by Distant Water Fishing Fleets;
- Chapter 5 provides an ex ante evaluation of a possible FPA/Protocol between the EU and Liberia¹⁴; and
- Chapter 6 presents the conclusions and recommendations.

This evaluation was completed between February and August 2013 based on the knowledge and analyses of the authors, reviews of relevant literature and consultations with relevant organisations in West Africa¹⁵ and within the EU (including European Commission services, the European External Action Service (EEAS) and Member State administrations) and the private sector.

¹¹ http://ec.europa.eu/budget/biblio/documents/regulations/regulations_en.cfm#rf_modex. The new Financial Regulation No 966/2012 of the European Parliament and of the Council of 25 October 2012 repealed Council Regulation (EC, Euratom) No 1605/2002, and the new Rules of Application were adopted by the European Commission on 29 October 2012, [2013, March 20]

¹² http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/agricult/129052.pdf. [2013, April 20]

¹³ COFREPECHE, POSEIDON, MRAG and NFDS, 2013. Review of tuna fisheries in the East Atlantic Ocean (Contract MARE/2011/01 framework - Lot 3, Specific Contract No 5)

¹⁴ The sub-sections of this report included in the ex ante evaluation are guided by, and based on, the requirements for ex ante evaluations as laid out in Article 18 of the Rules of Application of the Financial Regulation.

¹⁵ The consultants were not permitted to make contact with the authorities in Liberia for the purpose of this evaluation.

1 General background to Liberia

1.1 Geography

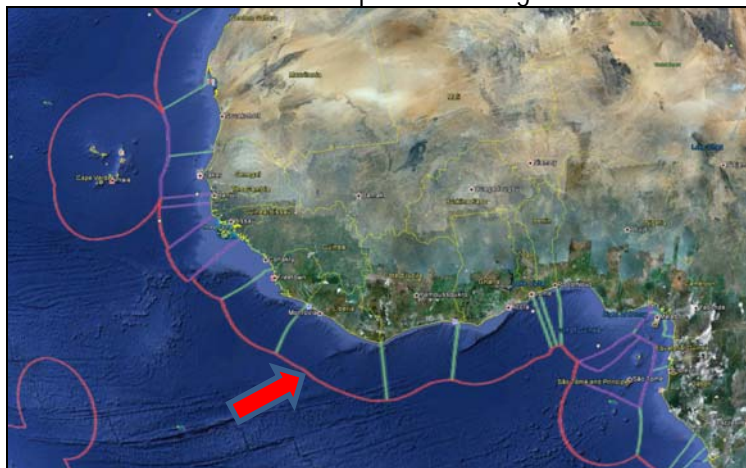
The Republic of Liberia lies between approximately 8° 30'N and 4° 30'N latitude, with an Atlantic coastline of more than 550 km running north-west to south-east between Sierra Leone and Côte d'Ivoire. It also shares a border with Guinea to the north (Figure 1.1).



Figure 1.1: Liberia's locality and its neighbours

Source: geographic guide¹⁶

Liberia has a total area of about 111 370 km², of which some 15 050 km² are inland water bodies consisting of rivers, lakes, lagoons and streams that drain to the Atlantic coast providing nutrients that sustain primary productivity of the continental shelf. The continental shelf averages about 34 km in width¹⁷. The EEZs of Western African countries are provided in Figure 1.2.



¹⁶ <http://www.geographicguide.com/africa-maps/west.htm> [2013, April 20]

¹⁷ FAO, Fishery and Aquaculture Country Profiles, Liberia: http://www.fao.org/fishery/countrysector/FI-CP_LR/en [2013, April 20]

Figure 1.2: map of the EEZs of West Africa, with Liberian EEZ marked with red arrow

Source: VLIZ (2012) Maritime Boundaries Geodatabase, version 7¹⁸

Climatic risks are viewed as posing a serious challenge to Liberia and it is estimated that climate-induced change, such as in water temperatures and rainfall patterns, are having adverse effects such as: declining levels of certain fish species, destruction of habitats (wetland or mangrove swamps) and coastal erosion mainly in low-lying areas, such as the urban centres of Robertsport, Monrovia, Buchanan and Cestos¹⁹.

Liberia sits within the ecosystem of the Guinea Current and the migration path of the three key tropical tunas yellowfin (YFT), bigeye (BET) and skipjack (SKJ). The migration of the tunas is explained in the Regional Report, demonstrating how the fish migrate in different patterns; often the juveniles and adults move on different routes though the year, congregating in spawning or nursery grounds. The main season for the tuna fishery in Liberia is during November to March when the main concentrations of species occur in the Liberian Exclusive Economic Zone (EEZ). Access to the Liberian EEZ is of interest to the EU purse seiner fleet as it would contribute to the operational efficiency of the fleet, by allowing them to follow the migration path of the tuna in the region.

Liberia declared by Executive Order a 200 nm territorial sea in December 1976, which was approved by an Act of the Liberian Senate and House of Representatives in May 1977²⁰. The claim was disputed. To clarify the disputed legal situation, the Liberia President declared on the 12 January, 2012, by Executive Order (No.39) a 200 nm EEZ, with a 24 nm Contiguous Zone and a 12 nm Territorial Sea. This was extended by a further Executive Order (no. 48) on 10 January 2013, pending endorsement by the legislature²¹. These maritime zones were based on the findings of a report²² that generated base points and baselines from United Kingdom Hydrographic Office (UKHO) hydrographical chart series in order to construct the baselines in accordance with Articles 5, 9 and 13 of the United Nations Convention on the Law of the Sea (UNCLOS).

In 1961 Côte d'Ivoire and Liberia agreed on their maritime border²³, while the maritime border between Liberia and Sierra Leone has still not been formally agreed, although high-level talks between the two countries in May 2012 recognised the need for a delimitation of the maritime boundary between the two countries²⁴. In these cases, the general rule in international law for delimiting maritime borders between neighbouring coastal states is the use of an equidistant line. In the absence of a formal agreement, this default position applies.

It should be noted that the coordinates of coastal state fishing zones used by various parties, including research organisations may differ from each other and between them and the official coordinates of the EEZs of the Government of Liberia.

¹⁸ Available online at <http://www.marineregions.org/> consulted on 6th April 2013. Key: red lines indicate 200 nm, purple indicates negotiated line or mid line, green indicates a non-negotiated mid line, [2013, April 20]

¹⁹ National Adaptation Programme of Action – 2008 <http://unfccc.int/resource/docs/napa/lbr01.pdf> [2013, April 20]

²⁰ <http://www.atlafco.org/docs/1113201022008PM.pdf> [2013, April 20]

²¹ http://www.emansion.gov.lr/doc/Executive_Order_No._48.pdf [2013, April 20]

²² West Africa Regional Fisheries Project (WARFP), Final Report – Maritime zones – Republic of Liberia, Report No. MZSL_REP_LIB_002, Prepared by: Maritime Zone Solutions Ltd, 2011

²³ Kornprobst Markus, The management of border disputes in African regional subsystems: comparing West Africa and the Horn of Africa. *Journal of Modern African Studies*, 40, 3 (2002), pp. 369±393. # 2002 Cambridge University Press, Source: <http://eprints.ucl.ac.uk/12048/1/12048.pdf>. [2013, April 20]

²⁴ <http://www.statehouse.gov.sl/index.php/component/content/article/42-slideshow-article/479-presidents-of-sierra-leone-and-liberia-reaffirm-commitment-to-strengthen-and-expand-relations> [2013, April 20]

1.2 Political situation

The first democratic elections following over two decades of civil conflict were held in 2005 and won by President Ellen Johnson Sirleaf and her ruling United Party. Her administration was returned to office in the 2011 election, shortly after President Johnson Sirleaf was co-awarded the Nobel Peace Prize. The country has remained largely stable but fragile, with law and order still being underpinned by the United Nations Mission in Liberia (UNMIL), which is now in a period of gradual drawdown²⁵. In September 2012, the UNMIL mandate was again extended for another year until 30th September 2013²⁶.

It has been noted that most of the recommendations of the Truth and Reconciliation Commission have not been implemented, although some progress has been made in implementing the 'Strategic Roadmap for National Healing, Peacebuilding, and Reconciliation'²⁷.

1.3 Development and economic status

Table 1.1: Liberia development indicators (2011)

Indicator	
Gross domestic product (GDP)	USD 1.5 billion (EUR 1.03 billion) (up 80 % since 2008)
GDP growth rate	9.4 %
Inflation	8.4 %
Gross national income (GNI)	EUR 228 (EUR 62 in 2003)
Human development index (HDI)	0.329 (was 0.298 in 2006)
Life expectancy at birth	56.8 years (was 42 years in 1993)
Adult literacy rate	59.1 %
Mean years at school	3.9 years (up from 3.4 years in 2005)
Percentage living below poverty line	56 % (was 63.8 % in 2007)

Source: United Nations Development Programme, World Bank, and EU²⁸

²⁵ UNMIL website: <http://www.un.org/en/peacekeeping/missions/unmil/facts.shtml> [2013, April 20]

²⁶ UN Security Council Resolution 2066 (2012), 17 September 2012

²⁷ A Strategic Roadmap for National Healing, Peacebuilding, and Reconciliation, June 2012 – July 2030.
<http://www.lern.ushahidi.com/media/uploads/page/3/Reconciliation%20Roadmap%20Draft%203-W.pdf>
 See also: <http://www.lern.ushahidi.com/main> - Liberia's early warning and response network [2013, April 20]

²⁸ <http://hdr.undp.org/en/>, <http://www.worldbank.org/en/country/liberia>,
http://trade.ec.europa.eu/doclib/docs/2006/september/tradoc_122076.pdf [2013, April 20]

The Republic of Liberia, one of the world's least developed countries, is ranked in the UNDP's Human Development Index (HDI) as 182nd out of 187 countries, with a value of 0.33²⁹. This compares with the average HDI value of 0.43 for eight other coastal states between and including Senegal and Ghana³⁰. Gross Domestic Product (GDP) in 2011 was USD 1.5 billion (EUR 1.03 billion)³¹. The economy is growing at a real rate of 6.4 % (2011)³². Some 56 %³³ of the population are living below the national poverty line, but this is down from 64 % in 2007. Gross National Income (GNI) per annum per capita rose from USD 90 (EUR 62) in 2003 to USD 330 (EUR 228) in 2011³⁴. As shown by the indicators in Table 1.1 demonstrate, social and economic conditions are, in general, steadily improving from a very low baseline.

The United Nations Development Programme (UNDP) in 2011 estimated Liberia's total population to be 4 128 600³⁵, with approximately half living at the coastline³⁶. The population growth rate was estimated to be 2.6 % in 2012³⁷. The FAO reports that over 80 % of the country's population directly depends on fish for animal protein. This is mainly because it is readily available and significantly cheaper than meat or chicken, but still, according to the FAO's Food Balance Sheet (2009), average consumption per person is only 5 kg per year with a total protein intake of 38 grams per day per capita - significantly lower than it was in the 1980s. This also compares with an average for sub-Saharan African coastal states of 17 kg per year and a total per capita protein intake of 59 grams per day.

The fisheries sector was reported to contribute 12 % of agricultural GDP (estimate for 2005) and 3.2 % of the GDP of the country in 2002³⁸. The main contributors to GDP and exports are the rubber and timber industries³⁹. The reported catch attributed to Liberia was 8 000 t in 2010⁴⁰. This probably considerably understates the importance of the fisheries sector for Liberia due to shortcomings in data collection and the lack of data from the tuna fishery. The Government is acutely aware, however, of the significant potential contribution that the fisheries sector makes to food security and could make to the economic development of Liberia.

²⁹ See http://hdr.undp.org/en/media/HDR_2011_EN_Table1.pdf The UNDP's HDI is a composite index measuring life expectancy at birth, years at school, and standard of living (using the purchasing power parity (PPP) measure of gross national income (GNI)) [2013, May 20]

³⁰ The countries are Ghana (0.541), Cote d'Ivoire (0.400), Sierra Leone (0.336), Cape Verde (0.568), Guinea (0.344), Guinea Bissau (0.353), the Gambia (0.420), Senegal (0.459). Source: <http://hdr.undp.org/en/statistics/understanding/indices/> [2013, May 20]

³¹ <http://data.worldbank.org/indicator/NY.GDP.MKTP.CD> [2013, May 20]

³² EU Trade – Liberia – main economic indicators: http://trade.ec.europa.eu/doclib/docs/2006/september/tradoc_122076.pdf [2013, May 20]

³³ IMF Country Report No. 12/45, Liberia: Poverty Reduction Strategy Paper—Annual Progress Report February 2012 http://www.lr.undp.org/Documents/PDF/reduction_strategy.pdf [2013, May 20]

³⁴ See: <http://data.worldbank.org/indicator/NY.GNP.PCAP.CD/countries/LR-ZF-XM?display=graph> [2013, May 20]

³⁵ <http://hdrstats.undp.org/en/indicators/306.html>. Note that the 2008 Population and Housing Census of Liberia put the population provisionally at 3 489 072 [2013, May 20]

³⁶ The Food and Agriculture Policy and Strategy, Government of Liberia, July 2008

³⁷ <http://www.indexmundi.com/g/g.aspx?c=li&v=24> [2013, May 20]

³⁸ Fisheries country profile: Liberia, FAO found at: http://www.fao.org/fishery/countrysector/FI-CP_LR/en [2013, April 20]

³⁹ AfDB/OECD:2008. Africa Economic Outlook: www.oecd.org/dev/emea/40578137.pdf [2013, April 20]

⁴⁰ FAO: <http://www.fao.org/figis/servlet/SQServlet?ds=Production&k1=COUNTRY&k1v=1&k1s=123&outtype=html> [2013, April 20]

1.4 Geo-political relationships

The Republic of Liberia is a member of the African Union (AU) which has an increasingly active coordinating role in the fisheries sector. In 2010 the AU held the first Conference of African Ministers of Fisheries and Aquaculture in Gambia. The objectives included the 'options and context for fisheries policy and governance reform in Africa; and the role of African fisheries and aquaculture in the Comprehensive African Agricultural Development Programme (CAADP), food security and economic development'⁴¹. Together with 14 other countries of the region, Liberia is also a member of the Economic Community of West African States (ECOWAS), founded in 1975 to promote economic integration in 'all fields of economic activity, particularly industry, transport, telecommunications, energy, agriculture, natural resources, commerce, monetary and financial questions, social and cultural matters'⁴². The ECOWAS Treaty commits members to cooperate in the 'development and protection of marine and fishery resources'⁴³. Liberia is a member to the Mano River Union (MRU), an association of four West African states established to foster economic cooperation and as a vehicle for accelerated economic development and integration⁴⁴. Finally, Liberia is a member of the Community of Sahel- Saharan States (CEN-SAD) a framework for integration and coordination between 22 member States⁴⁵.

Liberia is a member of three regional fisheries bodies (RFBs):

- The Committee for the Eastern Central Atlantic Fisheries (CECAF), is an advisory body with a membership of 33 coastal and non-coastal states, including the EU. It has a scientific sub-committee and three Working Groups on small pelagics, demersal species and for artisanal fisheries.
- The Fishery Committee for the West Central Gulf of Guinea (FCWC), is a sub-regional body of six coastal states between and including Liberia and Nigeria⁴⁶. Its main objective is to ensure, through appropriate management, 'the conservation and optimum utilization of the living marine resources covered by the Convention and encouraging sustainable development of fisheries based on such resources'⁴⁷.
- The Ministerial Conference on Fisheries Cooperation between African States Bordering the Atlantic Ocean (ATLAFCO/COMHAFAT), with 22 member states. It is an advisory body made up of most of the coastal states of the western coast of Africa⁴⁸.

⁴¹ African Union 2010, Report of the First Conference of African Ministers of Fisheries and Aquaculture, 20-23 September 2010, Banjul, the Gambia. See also Chapter 2, of *Revue des pêcheries thonières dans l'océan Atlantique Est*.

⁴² ECOWAS website: http://www.comm.ecowas.int/sec/index.php?id=about_a&lang=en [2013, May 20]

⁴³ Article 25, 2 c): <http://www.comm.ecowas.int/sec/index.php?id=treaty> [2013, May 20]

⁴⁴ Other members are Sierra Leone, Guinea and Côte d'Ivoire, See: http://en.wikipedia.org/wiki/Mano_River_Union [2013, May 20]

⁴⁵ http://www.africa-union.org/root/au/recs/cen_sad.htm [2013, May 20]

⁴⁶ FAO: <http://www.fao.org/fishery/rfb/fcwc/en> [2013, May 20]

⁴⁷ FAO at: <http://www.fao.org/fishery/rfb/fcwc/en> [2013, May 20]

⁴⁸ FAO: <http://www.fao.org/fishery/rfb/srhc/en> [2013, May 20]

Liberia is also a member of the Interim Guinea Current Commission, a shared water body organization for which fisheries is a major area of concern⁴⁹.

Liberia has initiated the process to become a member of the International Convention on the Conservation of Atlantic Tunas (ICCAT), which is mandated to take conservation and management measures that are legally binding on its members. The application for membership is presently with Ministry of Justice for final approval after signature by the Minister of Agriculture.

Cross-border projects are also of importance to the political and economic climate of the sub-region, and, in particular the larger infrastructure initiatives such as the Côte d'Ivoire, Liberia, Sierra Leone and Guinea (CLSG) segment of the West African Power Pool (WAPP) transmission line and the potential of hydro power within the MRU.

Liberia's relationship with neighbouring Sierra Leone has recently been strengthened and, in May 2012, the Liberian and Sierra Leonean leaders reaffirmed their commitment to general integration and to a specific interest in curbing illegal cross-border activities⁵⁰.

1.5 EU/third country cooperation strategy with Liberia

Liberia and the EU have enjoyed a long-term partnership. The EU is an active and significant supporter of Liberia's social and economic development, and a partner in political dialogue. This cooperation is grounded on the Cotonou Agreement, which associates the EU with 79 states in Africa, the Caribbean and the Pacific, (ACP countries) and encourages political dialogue and assessments of developments concerning good governance, respect for human rights, democratic principles and the rule of law⁵¹.

The EU has maintained a presence in Liberia since 1973 and upgraded its mission status to a full Delegation in 2009 with the appointment of an Ambassador. Under the 10th European Development Fund (EDF) Liberia benefits from a total fund of EUR 224 million, split between A-envelope (EUR 182 million) and B-envelope (EUR 42 million) packages. The main focus has been on rehabilitating infrastructure and social services, institutional support to improve governance and stability, and a budget support programme to assist macroeconomic stabilization⁵².

⁴⁹ http://gclme.org/index.php?option=com_content&view=article&id=7&Itemid=8 [2013, May 20]

⁵⁰ <http://www.statehouse.gov.sl/index.php/component/content/article/42-slideshow-article/479-presidents-of-sierra-leone-and-liberia-reaffirm-commitment-to-strengthen-and-expand-relations>

⁵¹ http://eeas.europa.eu/delegations/liberia/eu_liberia/political_relations/index_en.htm [2013, May 20]

⁵² EEAS Liberia briefing paper

1.6 Trade from/to Liberia

Liberia has a sizeable, negative trade balance with the rest of the world, importing EUR 14 000 million worth of goods and exporting EUR 500 million in 2011⁵³. Its principal exports are raw timber and rubber. Future exports from Liberia could be considerably increased if discoveries of off-shore oil⁵⁴ prove to be significant.

The EU enjoys a positive trade balance with Liberia. The EU imported EUR 257 million of goods and exported EUR 724 million's worth in 2011. The main imports from Liberia were primary products including fish (EUR 153 million), followed by manufactured goods (EUR 93 million – mainly transport equipment). The EU's exports to Liberia were primarily a variety of manufactured goods (EUR 602 million, of which transport equipment was most important (EUR 502 million), followed by primary products (EUR 116 million)⁵⁵. As yet, there is no discernible trend in the pattern of EU-Liberian trade, probably due to Liberia still being very much in a period of reconstruction.

Despite what are believed to be significant fishery resources, including tropical tuna, Liberia imports about EUR 300 000 worth of fish from the EU, making it a net importer of fish from the EU. As a least developed country (LDC), Liberia benefits from duty-free access for its exports to the EU (except arms and ammunition), in terms of the 'Everything but Arms' (EBA) Regulation⁵⁶.

Negotiations for an EU – ECOWAS Economic Partnership Agreement (EPA) have been underway since 2003. As a member state of ECOWAS, Liberia is party to this negotiation. The latest meeting in this negotiation was held in Cape Verde in March 2013, but the issue of market access for European goods into West African markets continued to stall the negotiations⁵⁷. Liberia has also reiterated its support for the AU target by 2017 of achieving a Continental Free Trade Area (CFTA) and an action plan for accelerating intra-African trade⁵⁸.

⁵³ DG Trade: http://trade.ec.europa.eu/doclib/docs/2006/september/tradoc_122462.pdf [2013, May 20]

⁵⁴ Offshore Energy Today: <http://www.offshoreenergytoday.com/african-petroleum-spuds-offshore-liberia-well/> [2013, May 20]

⁵⁵ Offshore Energy Today: <http://www.offshoreenergytoday.com/african-petroleum-spuds-offshore-liberia-well/> [2013, May 20]

⁵⁶ Council Regulation (EC) 416/2001

⁵⁷ <http://www.africareview.com/Business---Finance/West-Africa-holds-out-over-EU-trade-deal/-/979184/1732918/-/36m0lh/-/index.html> [2013, May 20]

⁵⁸ <http://www.statehouse.gov.sl/index.php/component/content/article/42-slideshow-article/479-presidents-of-sierra-leone-and-liberia-reaffirm-commitment-to-strengthen-and-expand-relations> [2013, May 20]

1.7 Fisheries sector development cooperation

1.7.1 EU/third country cooperation strategy with Liberia

The EU has been a major supporter of a fish farming project entitled 'Development of sustainable inland fish farming to achieve food security in rural Liberia' from 2009 to 2012. EU funding (EUR 1 176 389, or 89 % of the total) aims to help the project to reduce the negative effects of food price rises on the poorest consumers in Liberia. It has also contributed modestly through the EU-funded ACP FISH II Programme, an ACP-wide programme, which aims 'to improve fisheries management in ACP countries so as to ensure that fisheries resources under the jurisdiction of these countries are exploited in a sustainable manner' (EUR 30 million⁵⁹). Liberia has benefited directly from one ACP FISH II initiative called 'Training of groups of female fishmongers in fish handling techniques, hygiene and quality and administrative management of small businesses' to the value of EUR 100,000. This took place in 2012. Other projects benefiting Liberia have been regional in scope:

- Regional training workshop in view of creating local expertise in the development of fisheries policy instruments, including management plans, EUR 155 470 in 2012.
- Needs assessment and design of an MCS capacity building training module, EUR 142 300 in 2012.
- Study on national industrial fishing vessels registration systems, EUR 10 000 in 2012.
- Implementation of the FCWC regional plan of action on IUU fishing, EUR 10 000 in 2011.

1.7.2 Non-EU donor support for the fisheries sector in Liberia over the last 5 years

The principal non-EU support for marine fisheries in Liberia is being channelled through the West African Regional Fisheries Project in Liberia (WARFP- Liberia), a 10 year project being principally funded by the World Bank through a USD 12 million loan (EUR 9.3 million). Other projects of relevance are captured in Table 1.2 (next page).

⁵⁹ ACP Fish II website: <http://acpfish2-eu.org/> [2013, May 20]

Table 1.2: support to Liberia in the fisheries sector other than the EU institutions

Project title	Donor	Focus areas of project	Duration	Budget (EUR)
Community Science Programme ⁶⁰	Netherlands (through World Bank Trust Fund)	Build capacity of West African artisanal fisher communities to monitor and better manage their local coastal and inshore marine resources	2009-on-going	n/a
EAF-Nansen Project 'Strengthening the Knowledge Base for and Implementing an Ecosystem Approach to Marine Fisheries in Developing Countries' (GCP/INT/003/NOR) ⁶¹	Executed by FAO with the Institute of Marine Research (IMR) of Bergen, Norway, funded by the Norwegian Agency for Development Cooperation (Norad)	The initiative to support the implementation of the ecosystem approach in the management of marine fisheries. The aim is to promote sustainable utilization of marine living resources and improved protection of the marine environment. In Liberia the focus has been on developing an artisanal sector management plan through a participatory approach and use of a task force	2006 –on-going	n/a
West African Regional Fisheries Project, Liberia	World Bank loan Africa Catalytic Growth Fund	Good governance, sustainable fisheries management , reduce illegal fishing, Increase contribution of marine resources to local economy	2010-2020	EUR 8.96 mn (USD 12 mn) for first five years plus EUR 1.49 mn (USD 2 mn)
TCP/LIR/3401	FAO	Support to reduced post-harvest losses and improved income of fishers through a product-centered community support fishery model in Buchanan, Grand Bassa County	2012-2013	EUR 177 756 (USD 238 193)
Fisheries observer training	USD - NOAA	Training of at-sea observers in commercial sampling and data collection	2011-on-going	n/a

⁶⁰ <http://www.communitysciences.org> [2013, May 20]

⁶¹ <http://www.eaf-nansen.org/nansen/en> [2013, May 20]

Project title	Donor	Focus areas of project	Duration	Budget (EUR)
West Africa Pilot Project	UK Government (through the NPCA)	This project is focused on good governance in fisheries for Sierra Leone, however Liberia has benefitted through regional workshops and training specially in MCS	2011-2013	EUR 2.3 mn (GBP 2 mn) only partially for Liberia
The Liberia Food Security through Commercialization of Agriculture (FSCA) Project ⁶²	Italian Government	To support the development of African agriculture into modern, competitive and commercially more dynamic sector, while building on the achievements and lessons learned from the National Programmes for Food Security. For fisheries it looks at fishery production as a potential business enterprise and cooperative development to increase production and income generation	Four-year	n/a

Source: consultants' findings, n/a = not available

⁶² <http://www.liberiafisheries.net/programs/FSCA> [2013, May 20]

2 Fisheries governance in Liberia: institutions, legislation, policy and management framework

2.1 Institutional structures for fisheries sector management

The fisheries authority for Liberia is the Bureau of National Fisheries (BNF), which falls within the Ministry of Agriculture (MOA). The BNF is guided by a Director/Coordinator assigned by the Minister of Agriculture through its Department of Technical Services. The BNF is arranged into three Divisions (marine, aquaculture and inland, and research and statistics) that are serviced by four Units (aquaculture, artisanal and inland, research and biology, and statistics, see Annex D). The BNF offices are strategically housed in a building located near the port of Monrovia and close to the cold storage, but they lack basic facilities. The BNF thus operates with very limited equipment, such as computer equipment, equipment for inspectors or other basic requirements for them to implement their duties. However, due to support given under various projects (Table 1.2) this is slowly improving with the recent addition of, for example, basic equipment for observers and inspectors and motorbikes for transport. Under WARFP-Liberia⁶³ new offices for the BNF are also anticipated to be built.

Technically, the effectiveness of the BNF has also been limited by its lack of enough suitably-qualified personnel. In recent years, BNF has relied heavily on support from local and international staff and experts through the WARFP and Community Science Programmes. This situation is also changing as more qualified Liberians return from overseas studies to take-up positions in the government, e.g. in 2013 two fisheries experts returned to BNF with master's degrees from international universities. Liberia, as with many other LDCs, is and will face challenges to keep these staff within government as the government salaries fall considerably below those provided by development projects or the private sector.

There are limited non-government organisations or civil society groups operating within the fisheries sector, but over the past few years Liberian fishers have established a number of local community-based organisations (CBOs) with the aim of promoting the common interests of fishers and fishing communities. These CBOs are typically organised around sea chiefs, who traditionally have undertaken various fisheries management and social activities in their respective communities. Of note is the Co-Management Association (CMA) that has been established in Robertsport, in north-western Liberia, as a pilot project to test options for developing greater community involvement in the management of fisheries and cooperation with the BNF.

The BNF has encouraged the development of a community sciences programme, initially with the six fishing communities at Robertsport, Westpoint (Monrovia), Marshall City, Buchanan, Grand Cess and Harper⁶⁴. This programme complements the initiative on the development of co-management arrangements. The programme aims 'to build strong and informed community groups with improved capacity to manage local coastal and fisheries resources effectively and to advocate for this both locally and nationally'⁶⁵. It trains volunteers from the communities to use a set of basic science procedures to systematically gather and analyse data and information on the health and status of local resources. The programme, together with the co-management initiative, is laying the foundation for an improved management of the artisanal fisheries.

⁶³ <http://www.liberiafisheries.net/aboutus/warfp> [2013, May 20]

⁶⁴ Community Sciences: <http://www.communitysciences.org/IntPages/Communities.php> [2013, May 20]

⁶⁵ Community Sciences: <http://www.communitysciences.org/IntPages/AboutUs.php> [2013, May 20]

Other government authorities and agencies that are engaged in the fisheries sector include: The Environmental Protection Agency, Ministry of Defence (Liberian Coast Guard), Liberia Maritime Authority (LMA), Liberia Ports Authority, Ministry of Finance, Ministry of Immigration and Naturalization, Ministry of Justice and UNMIL. These parties regularly meet as a part of the steering committee for the WARFP-Liberia.

The BNF has links to the University of Liberia's college of agriculture and forestry and it is currently, with assistance from WARFP, developing academic courses on fisheries to be included in the undergraduate programme.

A noteworthy achievement in 2012 was the launch of the government website www.liberiafisheries.net, which provides a high level of transparency to the operations of the BNF. The site contains details on, for example, the fisheries sub-sectors, news, key documents, licensing and export-import requirements and a list of fishing vessels currently licensed to fish in Liberia.

Overall the governance system, though fragile and still in need of further strengthening, is assessed by the authors as being sufficiently developed to now adequately manage Liberia's tuna fisheries. This is in part attributable to Liberia's expected membership of ICCAT which provides for regional cooperation in the management of the tuna stocks and the progress it has made in implementing MCS and its commitment to the fight against illegal fishing. More generally the capacity of the BNF and other cooperating government agencies to manage Liberia's fisheries has been steadily improving in recent years.

2.2 National fisheries sector legislation, policy, and management

Liberia is currently preparing a 'Fisheries and Aquaculture Policy and Strategy' that will be the first dedicated fisheries sector policy for Liberia⁶⁶. The policy dialogue process to date suggests that the policy will be underpinned by Article 7 of the Constitution of the Republic of Liberia which states that '*The Republic shall, consistent with the principles of individual freedom and social justice enshrined in this Constitution, manage the national economy and the natural resources of Liberia in such manner as shall ensure the maximum feasible participation of Liberian citizens under conditions of equality as to advance the general welfare of the Liberian people and the economic development of Liberia*'. The policy process is closely linked to the 2008 Liberian Food and Agriculture Policy and Strategy (FAPS) that outlines the overall policy and strategic planning of the Ministry of Agriculture, links to the Poverty Reduction Strategy (PRS) and within its sections pertaining directly to fisheries it integrates elements from the international best practice provided in the voluntary 1995 Food and Agriculture Organization (FAO) Code of Conduct for Responsible Fisheries (CCRF).

The key policy elements from the FAPS are: sustainable increase in artisanal fish production with immediate impact of available fish supplies from the sub-sector contributing largely to the demands of the largest number of Liberians, and more particularly enhancing the income generating opportunities of women and young men; sustainable increase in fish landings in the country by industrial fisheries operators providing increased fish supplies to the population, income, revenue, employment, trade in high value markets and product development, through the establishment of infrastructures and enforcement of legislation; and a well revitalized and developed aquaculture industry with high productivity, sustainable supplies and affordable quality fish to local and export markets.

⁶⁶ BNF and WARFP Report: Towards Liberia's Fisheries and Aquaculture Sector Policy – Fisheries and Aquaculture Policy Dialogue Consultative Workshop 15 to 17 February 2012, Liberia

The legislative framework for fisheries is limited by the lack of a dedicated Fisheries Act, the 1958 Natural Resources Law (Chapter 4, Sub-Chapter B) is still applicable and is currently used along with the comprehensive 2010 Fisheries Regulations⁶⁷. A new draft Act is currently being developed, however, as was seen in 2012, there were over 40 prosecutions based on the 1957 Act and the 2010 Regulations, demonstrating that the legislative framework is serving its purpose.

Foreign fishing vessels are considered in the 2010 Fisheries Regulations under various sections, of particular interest:

- Part IV 'licenses and authorisations – requirements and procedures', states that a valid and applicable license is required to fish or transship in the Liberian EEZ, to enter port or to deploy or maintain fish aggregating devices (FADS), that a performance bond may be required and that a local agent is required for all foreign fishing vessels;
- Part V 'conditions and requirements for fishing, transshipment and the use of ports', indicates the prior information and authorisation that is required for use of a port by a foreign fishing vessel, the option for denial of port services and details for carrying out inspections of foreign vessels in port;
- Part VII 'monitoring, control, surveillance and compliance', provides information on the powers of fisheries inspectors and observers and notes that it is the BNF Coordinator that deploys observers on vessels and that the holder of the license or authorisation or his/her agent will be advised if an observer is allocated to their vessel. If an observer is allocated to a vessel, it is not permitted to put to sea without the observer or to refuse to take the observer on board. The holder of the license for the vessel is also obliged to make certain payments to cover associated costs. This section also deals with vessel monitoring systems (VMS) and it is at the discretion of the Coordinator of BNF to require the use of VMS on vessels;
- Part VIII 'civil offences and penalties', covers the arrest or detention and release of foreign fishing vessels and crew members; and,
- There are nine schedules within the Regulations with forms and information, of interest is Schedule 3 that sets out the arrangement for fees for industrial vessels (see Annex E).

Other legislation of relevance to the sector includes:

- The Maritime Act (2010) – establishes the Liberia Maritime Authority (LMA) as a corporate body and highlights the need for cooperation between agencies and departments;
- National Defence Act (2008) – establishes the role of the Liberian Coast Guard including in respect to maritime regions and its relationship with the Bureau of National Fisheries;
- Environmental Protection Agency Act (2003) – establishes a monitoring, coordinating and supervisory authority that is to provide an inter-ministerial mechanism for addressing and coordinating responses to Liberia's environmental problems; and,
- Executive Orders # 38 of 2012 and # 48 of 2013 – delimits Liberia maritime zones and embeds the 1982 UNCLOS in domestic law.

⁶⁷ http://www.liberiafisheries.net/documents/fisheries_regulations [2013, May 20]

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Liberia is a party to international legally binding and voluntary instruments relevant to fisheries including:

- The 1982 United Nations Convention on the Law of the Sea (UNCLOS) which for fisheries establishes a regime for the conservation and management of fisheries resources and requires states to conserve and manage living marine resources in areas within their jurisdiction and to cooperate in the conservation and management of resources in areas beyond their national jurisdiction;
- The 1995 Straddling Stocks Agreement⁶⁸ which focuses on the long-term conservation and sustainable use of straddling fish stocks and highly migratory fish stocks, such as the tuna resources;
- The 1981 Abidjan Convention⁶⁹ that focuses on the collaborative management of coastal ecosystems and the need to rebuild fisheries resources and coastal ecosystems to avoid the loss of environmental goods and services essential for sustainable development;
- The 1992 Convention on Biological Diversity that aims to promote equitable sharing of access and the benefits derived from a countries natural resources, such as fisheries; and,
- The voluntary commitments of the 2002 Declaration of the Johannesburg World Summit on Sustainable Development and the 2012 Rio+20 Declaration, the future we want⁷⁰.

In respect to fisheries management, the BNF does not have any completed fisheries management plans in place, but it is currently working on a broad sector plan for the small scale fisheries⁷¹ and a management plan for the mixed demersal species that are caught by the artisanal, semi-industrial and industrial (trawl) fisheries⁷². One of the challenges faced by Liberia is the lack of data and information, including on the status of fish stocks and the level of fishing effort, including IUU fishing. This limits the ability to adopt appropriate management measures for the fisheries and it will take some time to rectify. To overcome some of these challenges, and in cooperation with the FAO, there is an on-going process within the small-scale sector of ecological risk assessment (ERA). Through this participatory governance approach, co-management has been identified as a way to improve marine stewardship, conserve resources and, as a priority, improve the living conditions of small-scale operators.

With respect to tuna resources, prior to the moratorium on tuna fishing in January 2011, no formally-recognised management system was in place and since then no licences to fish for tuna have been issued by Liberia nor have any tuna agreements been concluded and entered into force.

⁶⁸ 1995 United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.

⁶⁹ 1981 Abidjan Convention for Co-operation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region.

⁷⁰ 2012 Declaration of the Rio de Janeiro United Nations Conference on Sustainable Development.

⁷¹ BNF/EAF-Nansen Project, Baseline Report for Artisanal Fisheries of Liberia, 2011

⁷² WARFP Annual report 2012, www.liberiafisheries.net [2013, May 20]

The key challenges to achieving the potential of the fisheries sector were identified in the policy dialogue process as including: managing access for responsible use, ensuring compliance for maximum benefits, developing infrastructure for new enterprises and building capacity for growth.⁷³ Liberia is working on these issues; the fisheries sector policy and strategy has been going through an extensive consultative process which shows the need for a sound and clear basis for the new fisheries Act, currently in draft form awaiting the finalisation of the policy. In the meantime, although not ideal, the 1958 Act, with the 2010 Regulations, are providing an acceptable interim legal framework. Management capacity, though still weak in certain respects, is gradually being strengthened.

Figures for the annual budget for the BNF were not available at the time of writing. However, revenue to the government from licence fees, vessel registration fees, inspection fees, observer fees, import and export charges, and fines totalled USD 400 000 in 2011 and rose steeply to USD 3.8 million in 2012, due to the fines gathered from the successful prosecutions of foreign vessels fishing illegally in Liberian waters.

2.3 Specific national marine protected area measures

Marine protected areas may be designated under the Environmental Protection Agency Act (2003) and seven sites are currently recorded.⁷⁴ These are mainly Ramsar sites and include: Lake Piso Wetlands and National Park, Margibi Mangrove National Park, Marshall Wetlands and Mesurado Wetlands. It was not possible to ascertain if these are operational or not.

2.4 Monitoring, control and surveillance⁷⁵

Liberia has an inter-agency Monitoring, Control and Surveillance (MCS) Joint Committee bringing together partners engaged in the MCS, including partners from the Ministry of Agriculture, Ministry of Defence (Liberian Coast Guard (LCG)), Liberia Ports Authority (LPA), Bureau of Maritime Affairs, Ministry of Finance, Ministry of Immigration and Naturalization, Ministry of Justice and UNMIL (Figure 2.1). The committee is responsible for implementation of MCS within the EEZ while BNF (MoA) is responsible for carrying out the MCS tasks on a daily basis.

The BNF has a relatively small dedicated MCS staff consisting of around eight inspectors, fourteen observers and four control officers and supporting staff from the WARFP project. Inspectors monitor the port off-loadings, mainly for imports and they also collect logbooks and catch reports from vessels and agents. If fishing vessels enter port the fisheries inspectors are responsible for inspections of the vessel. Observers are trained in the sampling of catches and recording compliance with technical measures, such as gear restrictions and closed areas. They go to sea on the industrial vessels that fish the mixed demersal species.

⁷³ Workshop and Meeting Report 'West Africa Regional Collaboration for Monitoring, Control and Surveillance (MCS)' and 'Towards a Sustainable Tuna Fishery in the Coastal States of the West Africa Sub Region'. The Bureau of National Fisheries of the Ministry of Agriculture supported by the West Africa Regional Fisheries Project (WARFP) Liberia, October 30 – November 2, 2012, Golden Gate Hotel, S.K.D. Sports Complex, Monrovia, Liberia.

⁷⁴ <http://www.mpatlas.org/region/nation/LBR/> [2013, May 20]

⁷⁵ This section is compiled from the authors knowledge, and WARFP reports available on www.liberiafisheries.net [2013, May 20]

BNF has recently established a national Fisheries Monitoring Centre with a staff of four control officers equipped with communications (including radios,) a vessel monitoring system and other equipment such as cameras, navigation equipment and inspection bags. The Centre runs an effective Fisheries Hotline that responds to any issues of concern with respect to implementing the Fisheries Regulations and it receives entry and exit reports from vessels. The Centre is reported to have faced challenges with the maintenance of equipment and internet connectivity. The BNF is establishing two satellite MCS coastal stations, known as forward operating bases (FOB) for fisheries surveillance in cooperation with the LCG at Buchanan and Harper. This will extend the MCS capabilities especially for handling infractions of the inshore exclusion zone (IEZ) along the coastline of Liberia.

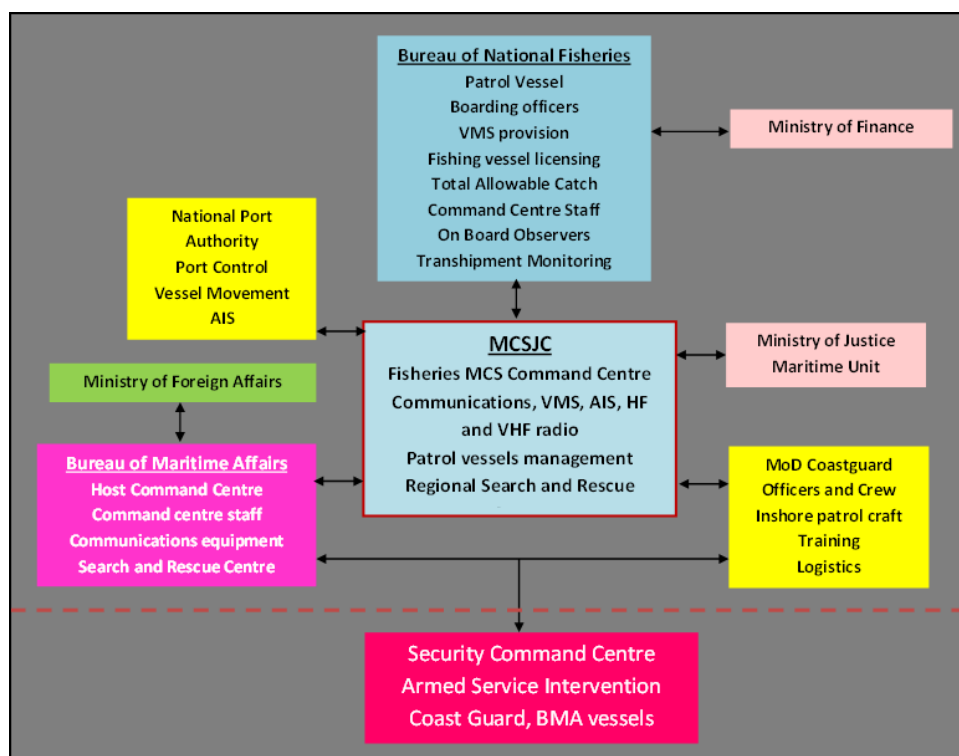


Figure 2.1: diagram demonstrating the composition and relationships of the MCS joint committee

Source: adapted by consultants from: BNF, WARFP in Liberia Project Operation Manual, January 2009

Liberia's fisheries air and sea surveillance is undertaken in cooperation with UNMIL and the Coast Guard as there are no dedicated fisheries surveillance craft or planes. Regular intelligence briefings take place and inspectors are trained in procedures for air missions and using surveillance equipment. There are some capacity limitations for completing night flights and the rainy season also can interfere with surveillance activities and cause equipment break-downs. However, BNF and its partners are developing new routines to overcome these problems.

Liberia has two near-shore Coast Guard vessels (8.2 meters with twin 225 horsepower outboard motors delivering a top speed of over 46 knots and an operational range of 150-175 nm). The LCG was established in 2010 with an initial strength of 50 personnel⁷⁶ and they work in close collaboration with the BNF providing at sea patrol and enforcement support. The LCG is strongly supported by the United States (US) Coast Guard, which has officers permanently deployed in Monrovia to assist with training and operations (initial 3 year support from the US was USD 5 million worth of training, equipment and infrastructure⁷⁷). Two new vessels will soon be provided by the US to the LCG.

BNF through WARFP has also utilised various satellite-tracking systems and other publically-available information to track and identify IUU vessels within their EEZ. This has been done successfully leading to more than 40 vessels being detected for IUU fishing and later prosecuted, fined or compensation paid to Liberia through settlement agreements⁷⁸.

A licensing committee exists to oversee the pre-licensing processes and allocation of licences. This includes agreed due diligence procedures that are followed as part of the overall attempt by BNF to improve their work routines and to increase transparency. Standard Operating Procedures (SOPs) and checklists have been developed and successfully used in recent IUU fishing cases. There is on-going capacity building in the form of informal courses, structured training and on-the-job training provided to MCS staff via the WARFP.

While there has been a focus on the major problem of IUU fishing by industrial vessels, the groundwork is also being laid for the regulation of the small-scale sub-sector. Small-scale fishing vessels are now required to have a license to fish in Liberian waters. Canoe owners are also required to register their vessels with the BNF. Each canoe is assigned a unique registration number which must be clearly displayed on the right-front of the vessel⁷⁹.

There has been significant regional cooperation to curb IUU fishing, including meetings and joint actions. For example the countries in the region are collaborating through the Compliance Committee of the FCWC fisheries body. The Stop Illegal Fishing Working Group facilitated two workshops related to MCS capacity building in 2010 and 2012 in Sierra Leone (Freetown), attended by Liberia, and in 2012 the WARFP held regional training in Monrovia for MCS.

MCS in Liberia appears to be developing into an effective, well-co-ordinated and coherent operation dedicated to ensuring compliance with Liberia's laws and regulations. It is fragile as there are challenges relating to financing its operations and the levels of skill and experience of MCS staff. However, there is a good foundation of coordination between government agencies and cooperation with other governments' enforcement personnel in the region and beyond. This foundation is being built upon.

⁷⁶ BNF website - <http://www.liberiafisheries.net/node/74> [2013, May 20]

⁷⁷ <http://www.aficom.mil/NEWSROOM/Article/7337/re-entering-the-water-liberias-new-coast-guard> [2013, May 20]

⁷⁸ WARFP Annual report 2012, www.liberiafisheries.net [2013, May 20]

⁷⁹ BNF website: http://www.liberiafisheries.net/licensing_requirements/artisanal_fisheries/# [2013, May 20]

2.5 Catch certification

The implementation of Council Regulation EC 1005/2008 establishes a Community system to prevent, deter and eliminate IUU fishing⁸⁰. It lays down a Catch Certification Scheme (CCS) for third countries exporting marine fisheries products to the EU. Subsequent regulations expanded and explained the functioning of the scheme⁸¹. The European Union has not published the flag State notification⁸² of Liberia and therefore Liberia cannot validate EU catch certificates for fishery products.

Cooperation and compliance on matters of IUU fishing is considered by the EU as a pre-requisite for discussion with third countries on potential FPAs/Protocols. In this context, it should be noted that Council Regulation (EC) No 1005/2008 Article 38 (9) [Action in respect of non-cooperating third countries] states that 'the Commission shall not enter into negotiations to conclude a bilateral fisheries agreement or fisheries partnership agreements with such countries'.

Although there have not been any fisheries exports from Liberia directly to the EU fish could, in principle, enter Europe legally, through foreign-flagged industrial vessels with a 'DG Sanco' listing if they have a valid fishing authorization to fish in the Liberian EEZ. However, as no fishing authorisations are currently active for EU vessels this is not yet the case.

⁸⁰ Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing. (Official Journal of the European Union L 286/1)

⁸¹ Commission Regulation (EC) No 1010/2009 of 22 October 2009 laying down detailed rules for the implementation of Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing. Official Journal of the European Union L 280/5

⁸² With such a notification a flag State certifies that a) it has in place national arrangements for the implementation, control and enforcement of laws, regulations and conservation and management measures which must be complied with by its fishing vessels, and b) its public authorities are empowered to attest the veracity of the information contained in catch certificates and to carry out verifications of such certificates on request from the Member States. The notification shall also include the necessary information to identify those authorities.

3 The domestic fishing sector in Liberia

3.1 Domestic catching sector

The domestic catching sector consists of three fisheries using distinctive fishing craft and gear. There are two main groups of small scale fishers and an industrial fishery. The recorded catch from the domestic sector in 2009 was 5 781 t⁸³ which is likely to be well below the actual catch because of poor data collection and the remoteness of many fish landing sites. The domestic catch is consumed within the domestic market and the shortfall in supply is supplemented by imports⁸⁴. The demersal resources are commercially high-value species exploited by both small-scale fishers and industrial fisheries and the Sciaenidae and Sparidae families in particular form a major part of the demersal catch landings. The bulk of the species is also caught as by-catch in the shrimp fishery. Similarly, the small pelagic resources are targeted by both industrial and small-scale fisheries.

The small-scale sub-sector: there are approximately 33 000 employed in this sector, about one third of whom are fishers. The others are traders, fishmongers, processors, boat builders, repairers, and providers of other associated services. In 2008, there were 3 276 canoes in the marine fisheries⁸⁵, some 91 % of which are owned and operated by the Kru fishers who use wooden dug-out canoes of up to about 7 m length with a depth of about 60 cm. They operate from 114 landing sites along the coast⁸⁶ and have a crew of between one to three fishers. Their canoes are normally propelled by sails and/or paddles. Fishing gear consist mainly of hooks, long lines and gillnets and tend to target barracudas, croakers, grunters, groupers, crabs and lobsters. A second category of canoe is the cassava fish netter. These are the larger of the Kru canoes, with crews of between three to five people and outboard engines of up to 25 horsepower.

The second main group of small-scale fishers is the Fanti, who migrated to Liberia mainly from Ghana⁸⁷. Some Fanti communities have been established in Liberia for several decades and they are generally found at most of the fish landing sites along the coast. The Fanti use larger vessels, partly dug-out from whole logs and then built up with planks. Around 500 of these craft registered to fish in Liberia; they are generally 12 to 15 m long, with a crew of up to 15 men. Fanti-type fishing craft are equipped with outboard engines ranging from 15 to 40 horsepower⁸⁸ and their fishing gear are ring and purse-seine nets used for small pelagic species and shark, with larger gillnets specifically adapted for different species and seasons. More recently, the presence of fishermen from the Gambia and Senegal has been noted⁸⁹ using the Senegalese-type pirogues.

⁸³ Mees CC, Wakeford R.C. and Payne I.A., 2011. Report of a contract for consulting services - fisheries expert (fish stock assessment) N° WARFP/CS/7/10. West Africa Regional Fisheries Project (WARFP), Phase 1 in Liberia, Bureau of Fisheries, Ministry of Agriculture, P. O. Box 9010, Monrovia, Liberia. MRAG Ltd, London. 99 pp plus Annexes

⁸⁴ The exploitable species include Clupeidae (known as poor joe, gbapleh, bonny and anchovies locally), *Scomber japonicus*, Carangids (Cavalla), Sphyræna (pike and barracudas), tuna-like species, Sparidae, Lutjanidae (snappers and groupers), Mulidae, Pomadasidae, Serranidae, Polynemidae.

⁸⁵ BNF website. http://www.liberiafisheries.net/data/artisanal_statistics [2013, May 20]

⁸⁶ BNF website. http://liberiafisheries.com/sectors/artisanal_fisheries [2013, May 20]

⁸⁷ There are also a minority of Ewe ancestry (Ghanaian) and Popoe ancestry (Togolese).

⁸⁸ BNF website

⁸⁹ Kebe M, Jern P., Collins R., Kay W. and Kekula E., 2009. A livelihoods analysis of coastal fisheries communities in Liberia. *FAO Fisheries and Aquaculture Circular*. No. 1043. Rome. FAO. 2009. 20p.

There are three categories of artisanal fishing vessel license. These are semi-industrial canoes (using 25 horsepower engines and above) costing EUR 75 (LRD 7 000 per year), cassava fish net canoes (below 25 horsepower engines) costing EUR 32 (LRD 3 000 per year) and Kru canoes (powered by sails and/or paddles) costing EUR 21 (LRD 2 000 per year). Prior to licensing, the regulations require that the BNF conducts inspections of the canoes and fishing gear. If fishing gears are in compliance with the Fisheries Regulations, applicants are required to pay the required licensing fees to the Ministry of Finance and the license is issued.

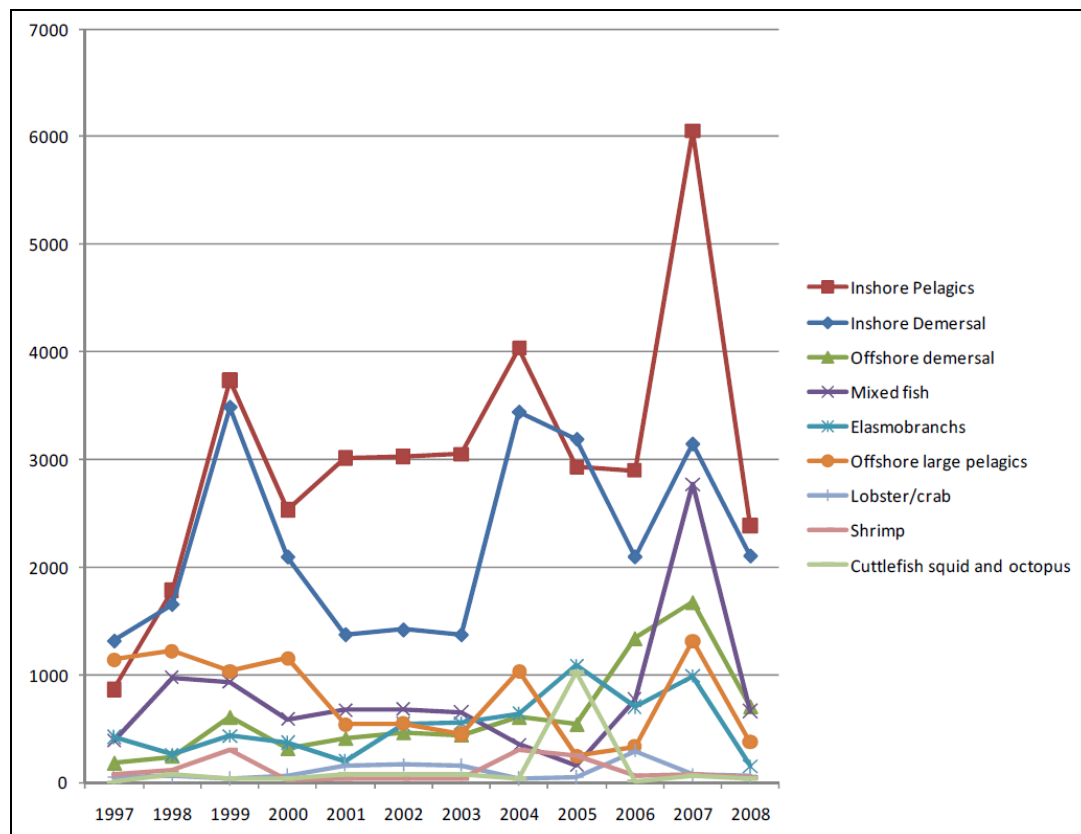


Figure 3.1: annual total reported Liberian fisheries catch by species group in tonnes 1997-2009

Source: Mees CC, Wakeford R.C. and Payne I.A., 2011

The industrial sub-sector: the domestic industrial fishery in Liberia at present consists of just two demersal shrimp trawlers⁹⁰ which land their catch at Monrovia. There also two Korean-flagged vessels on the industrial vessel license list. Reliable catch data for the domestic industrial fleet were not available at the time of writing. BNF reported that there were 32 vessels (10 shrimp trawlers and 22 fin-fish trawlers) licensed in 2010 but that only a small number of these were part of the domestic fleet. Details of the flags of the foreign vessels were not available. The reduction in the number of industrial vessels might be attributed to the Liberian policy of not permitting industrial vessels to fish within the 6 nm IEZ which is reserved for the artisanal fleet⁹¹.

⁹⁰ BNF, Industrial Fishing Vessel Licence List: http://liberiafisheries.com/sites/default/files/pdf/liberia_industrial_license_list.pdf The BNF maintains an list of all currently licenced vessels and notes on its website that 'any vessel that is not on this list is not legally licensed to fish in liberian waters' [2013, May 20]

⁹¹ Personal communication from the master of an industrial vessel

The domestic industrial fishery is assessed to not be operating in an optimal manner. It utilises out-dated and at times damaged vessels, equipment, port and processing facilities, within a context that is often not safe for workers and can be polluting. It has traditionally been dominated by foreign companies, with only a few Liberian-flagged vessels operating. With the introduction of the IEZ in 2010, that banned industrial vessels from fishing in this zone, many of the vessels turned to illegally fishing within the zone. Since 2012, this situation has changed with the BNF supported by the Navy clamping down on any infringements. As a result of the improved governance of this sector the number of vessels fishing has decreased, resulting in reportedly improved catches by the small-scale fishers and a reduction in situations of conflict and thus improved safety for the small-scale fishers.

Liberia shares a number of fish stocks with neighbouring countries, but knowledge about this is limited. Migrant fishers from neighbouring countries are active in Liberia. It has also recently been noted that there is also an increasing presence of Korean fish buyers in Liberia and neighbouring countries who export to Asia⁹².

3.2 Upstream supply sector

Canoes are built and repaired by local artisans using wood from nearby forests.

The migrant fishermen (mainly Fanti) contribute to the development of coastal small-scale fisheries through the wide dissemination of fishing nets, canoes and outboard motors along the Liberian coast. They also transfer technical knowledge to local fishing communities⁹³. This importation of fishing nets has not been controlled to ensure compliance with Liberian fisheries regulations, resulting in the widespread use of monofilament nets. The BNF, however, are understood to be tackling this problem through a net exchange programme.

Ice is unavailable beyond the larger cities and cold storage facilities tend to only exist in Monrovia for the larger (semi-industrial) vessels within the small-scale fleet and for the industrial vessels. There are no significant facilities for major repairs or the servicing of industrial vessels.

Local agents exist to provide services to the foreign industrial fishing vessels (as is required by the Regulations), such as assisting in dealing with the BNF and applying for licenses or ship chandlery services if foreign fishing vessels make port visits in Liberia. It should be noted that local services are limited, as in recent years foreign fishing vessels have not routinely used the port of Monrovia as an operational base. In the past, trawlers did operate out of Monrovia but are reported to have undertaken major repairs in neighbouring ports. However, stevedoring and off-loading of fish from transport vessels caught outside and to some degree inside of the Liberian EEZ, for local consumption or onward transport to inland African markets is a more common use of the port in respect to fishery related purposes.

⁹² Personal communications international experts working in Liberia

⁹³ Kebe M. et al. (2009)

3.3 Downstream processing and marketing sector

Basic fisheries infrastructure, such as sanitary fish handling, processing and storage facilities for processed products, are generally not available. Supplies of potable water are also not generally available and environmental hygiene and beach sanitation are major problems⁹⁴. Fish processing in the small-scale fishery sector is traditional in nature and most commonly this is fish smoking (which takes around four to eight hours depending on the size of the fish) and less often fermentation (as this process ties the capital (fish) up for up to three days). There is very little use of ice or chilling for post-harvest fresh fish preservation and fish landed on beaches are sold almost immediately, the processes of value addition usually start at the landing site with the fish being washed with seawater and then gutted (for small size fish) and for larger fish, headed and gutted, they are then transport to homes or directly to the market where they are smoked-dried using firewood. Metal drums are most commonly used for smoking; a few communities have improved 'chorkor' smoking ovens built of clay. Knowledge of modern fish handling and processing technologies is limited, resulting in high post-production losses. This lack of knowledge is linked to poor levels of education in the fishing communities, where the few schools that exist are poorly equipped. The remoteness of many fish landing sites (often inaccessible in the rainy season), poor road conditions and inadequate transportation result in very poor fish distribution and marketing⁹⁵.

The small catch harvested by the one or two vessels in the domestic industrial fleet sell their catch locally to the retail markets, hotels and restaurants. The fish are frozen whole and sold in 20 kg sacks as mixed species, while the shrimp are separated and boxed for the local hotel and restaurant trade. Although historically there was a thriving processing industry for the industrial fleet, particularly for shrimp exported to Europe and Asia⁹⁶, these went into disuse during the war (1980s and 1990s) and there are no functional processing facilities today. Liberia imports cheap small pelagic species for local consumption, while exporting some high value species such as shrimp. Trade figures are reported to be unreliable, partially due to the illegal trade in fish and also due to weak monitoring systems.

Liberia is not on the list of the third countries permitted to export fishery products to the European Union⁹⁷ and it appears that there have not been any audits the EU's Directorate General for Health and Consumer Affairs (DG SANCO) evaluating the Liberian control systems.

West Africa has three major ports of relevance for the purse seine fleet: Dakar in Senegal, Abidjan in Côte d'Ivoire and Tema in Ghana. The operational port for the EU fleet is Abidjan (and to a lesser degree Dakar), providing services that include crew changes, supply of food, fuel and equipment, maintenance and off-loading to the processing factories or for transport to other destinations. The relatively close proximity of this port makes the use of Monrovia less attractive for providing services for the foreign fleet, while increasing the interest in fishing in the EEZ of Liberia for operational reasons.

⁹⁴ Kebe M. et al. (2009)

⁹⁵ Kebe M. et al. (2009)

⁹⁶ Mees C. et al. (2011)

⁹⁷ DG SANCO, 2013. https://webgate.ec.europa.eu/sanco/traces/output/non_eu_listsPerActivity_en.htm# [2013, September 26]

Overall, it is acknowledged that the potential for a more vibrant fisheries value chain in Liberia exists in areas such as processing, packaging, storage, transport and marketing exist. However, there are many obstacles; industrial fisheries lack fisheries ports and ancillary facilities (such as bunkering facilities, dry-docking facilities, ice plants, chill or cold rooms, processing areas, or support industries for packaging materials, supply of fishing gear and spare parts) and so vessels do not make Liberia a preferred port-of-call. Small-scale fisheries lack: legal fishing gear, safety equipment, landing sites with fish handling and processing areas, storage facilities, ice and chill facilities, potable water, and access to markets, resulting in poor levels of hygiene and high post-harvest losses. Initial steps have already been taken to address some of these weaknesses, but there is scope for much improvement.

4 Distant water fishing activity in Liberia's EEZ

4.1 Access to Liberia's EEZ

The EU and Liberia have never had an FPA. Liberia currently has no bilateral fisheries access agreements with any country or private agreements with any companies or professional associations with fishing vessels targeting tuna - there are currently no vessels authorised to catch tuna within the EEZ of Liberia. At the time of writing just two foreign-flagged industrial vessels were licenced to fish in Liberian waters⁹⁸, both South Korean-flagged demersal trawlers granted access on the basis of a private licence to target shrimp and finfish. Although joint venture enterprises involving foreign fishing companies are permitted within the legal framework in Liberia they do not exist nor are there any chartering arrangements by Liberian companies.

The framework for applying for and gaining access to the EEZ is set out in the 2010 Fisheries Regulations (see Section 2.2), including the arrangements for calculating the licence fee - which constitutes 10 % of the vessel value of the catch and by-catch taken during the entire licensing period (Annex E).

In early 2013 there were only four trawlers licenced (two Liberian registered and two Korean registered) by the Liberian Government and a dramatic reduction in the incidence of illegal fishing by industrial trawlers. This change has come about largely because of the implementation of the 2010 Fisheries Regulations and, in particular, the establishment and enforcement of the IEZ, an area reserved for use by the small-scale sub-sector but within which the industrial trawlers had mainly operated. In addition, changes are happening within the tuna purse seine fleet. The EU tuna purse seine fleet is currently seeking to negotiate with the Liberian authorities an agreement in the form of a Memorandum of Understanding (MoU).

4.1.1 IUU fishing in Liberia's marine zones

IUU fishing has long been a costly and major problem for Liberia, exacerbated by the years of conflict. Prior to the enforcement of the 2010 Fisheries Regulations, there were protests by small-scale fishers calling on the Government to address the situation⁹⁹. IUU fishing vessels were coming close inshore in the IEZ, even during daylight hours, causing considerable damage to the livelihoods of small-scale fishers and seriously threatening food security. Liberia estimated that it was losing about EUR 9 million to IUU fishing, although the report does not quantify how this figure was calculated or exactly what it represents¹⁰⁰.

⁹⁸ www.liberiafisheries.net/licenses [2013, September 26]

⁹⁹ <http://cape-cffa.org/spip.php?breve68> [2013, May 20]

¹⁰⁰ The Africa Report, No.12, August-September 2008

On 19 January 2011, the new 2010 Fisheries Regulations were introduced by the Minister of Agriculture at a special meeting with industrial vessel agents and others with an interest in the industrial fisheries. In her speech to the meeting the Minister spoke of the determination of the Government to put an end to illegal fishing and highlighted several aspects of the Fisheries Regulations¹⁰¹. She also announced a moratorium on all industrial fishing between 19 January 2011 and 1 April 2011 in order to allow time for industrial vessels to apply for licences and have mobile transceiver units installed, and for the BNF to put into operation its MCS system and make other preparations. Following her speech, it became evident that extensive IUU fishing was continuing. Thus on 24 February 2011 the Minister of Justice and Attorney General issued a written warning to all industrial fishing companies to immediately cease fishing, failing which they would face prosecution if caught breaking the Fisheries Regulations¹⁰². Following this the BNF dealt with 38 foreign-flagged vessels accused of fishing without a licence or other infractions in Liberian waters in 2011 and 2012. This led to the European Commission opening an enquiry to investigate possible IUU fishing. All but seven cases were closed with the payment of fines to the Liberian Government totalling just under USD 3.5 million (EUR 2.6 million) for violations of the 2010 Fisheries Regulations.

Several of these vessels were EU purse seiners fishing on the basis of forged licences that were not obtained in accordance with the 2010 Liberian Fisheries Regulations. Some fines levied on vessels belonging to EU boat owners' association members were subsequently reclassified as accounting for "the expected price of the licenses for the year 2011 and a compensation levied by the Government of Liberia for late payment and involuntary violations of the 2012 (sic¹⁰³) Liberian Fisheries Regulations"¹⁰⁴. This was done as the vessel owners appealed that they had considered the licences that they possessed to be genuine and were not aware that they were in fact forged. However, a number of questions remain unanswered such as why the moratorium was not complied with, why catches were not reported to the Liberian authorities, and why entry and exit reports to and from Liberian waters in accordance with the Fisheries Regulations were not provided to the Liberian Government. Despite this, in a conciliatory move, agreement was reached between the Liberian Government and the EU vessel owners associations to put the problem behind them. The reclassification of fines as late license fees and compensation for 'involuntary' violations of Liberian Fisheries Regulations enabled the catches (or products produced from the catches) of the EU tuna purse seiner fleet to enter the EU market. In her letter of 31 July 2012 to the EU Commissioner in charge of maritime affairs and fisheries, the Liberian Minister of Agriculture expressed gratitude to 'the European Commission for providing needed assistance and information to help bring this matter to a close'.

¹⁰¹ Text of Agriculture Minister's speech for meeting with the fishing industry, 19th January 2011

¹⁰² Letter from Minister of Justice/Attorney General, 24 February 2011. Warning to all industrial Fishing Companies in Liberia. A register of delivery of the warning letter was kept.

¹⁰³ Should have been 2010, not 2012. There are no 2012 Liberian Fisheries Regulations.

¹⁰⁴ Addendum to the final settlement letters to two of the boat owners associations.

The EU has contributed to the fight against IUU fishing by developing an action plan to eradicate IUU fishing, including through the improved traceability of fishery products throughout the supply chain (Regulation (EC) No 1005/2008, Regulation (EC) No 1010/2009)¹⁰⁵. Thus, since January 2010, the EU requires that the catch associated with any fish or fish product introduced to the European market must be certified as having been caught legally. Flag states must ensure that their vessels are fishing legally, failing which these vessels are not permitted to export their catch to the EU.

4.1.2 EU fleet's interest in Liberian waters

Fishing activity of the EU fleet in Liberian waters suggests that the Liberian EEZ, being as it is on the migration path of the tropical tuna, is of distinct interest to the EU fleet. The EEZs where the largest catches are taken are those of Guinea, Sierra Leone, Liberia, Ghana and Sao Tome and Principe¹⁰⁶.

In 2011-2012 at least 18 EU vessels were detected by Automatic Identification System (AIS) as having been fishing in Liberian waters. Of the 18, the Portuguese vessel was a trawler and the other 17 were all purse seiners. The interest of EU boat owners' in an agreement being reached on conditions of access to Liberian waters was reiterated during a regional conference held in Monrovia in November 2012¹⁰⁷.

There have been negotiations regarding the text of a standardised MoU between the BNF and Orthongel, representing French purse seiners, ANABAC and OPAGAC representing Spanish interests and MW Brands. The BNF drew up a draft MoU designed specifically for fishing entities targeting tuna. The negotiations are ongoing. The proposed MoU regulates the number of fishing vessels and supply vessels accommodated under the agreement (Art 2); provides for a three year agreement and requires issuance of licences annually commencing on 1 January (Art 3); provides only for vessels from ICCAT member states that must comply with ICCAT recommendations and have a legally responsible agent resident in Liberia (Art 4); makes provision for display of licences and for payment of licence fees (Art 5 and 6); provides for all vessels to undergo a pre-license inspection at the beginning of the first year of the agreement, for 50 % of vessels to be inspected at the beginning of the second year and the remaining 50 % to be inspected at the beginning of the 3rd year (Art 6); provides for reporting certain information on entry to and exit from the fishing waters of Liberia and at the beginning and end of each fishing trip, and for providing the Liberian on-board observers (Art 8) with certain information (Art 7); prohibits transshipment at sea and provides for offloading of catch in the Port of Monrovia in the presence of a Liberian fisheries inspector or elsewhere in which case the company must provide funds for a Liberian inspector to be present (Art 10); regulates the use of FADs; provide rules aimed at protecting the fishing interests of the artisanal subsector; and makes some provisions for foreign fishing entities to provide training opportunities to Liberian seamen (Art 11).

¹⁰⁵ See Section 2.5

¹⁰⁶ See Regional Report, note: Gabon is an important tuna fishing ground in general for EU fishing vessels but EU vessels were not authorised to catch tunas in 2012 due to the exclusivity clause within the sleeping fisheries partnership agreement, a new protocol has been being in provisional application in Gabon since the end of July 2013 (see Regional report)

¹⁰⁷ International conference: Towards a Sustainable Tuna Fishery in the Coastal States of the West Africa Sub Region

4.2 Vessel catches and numbers

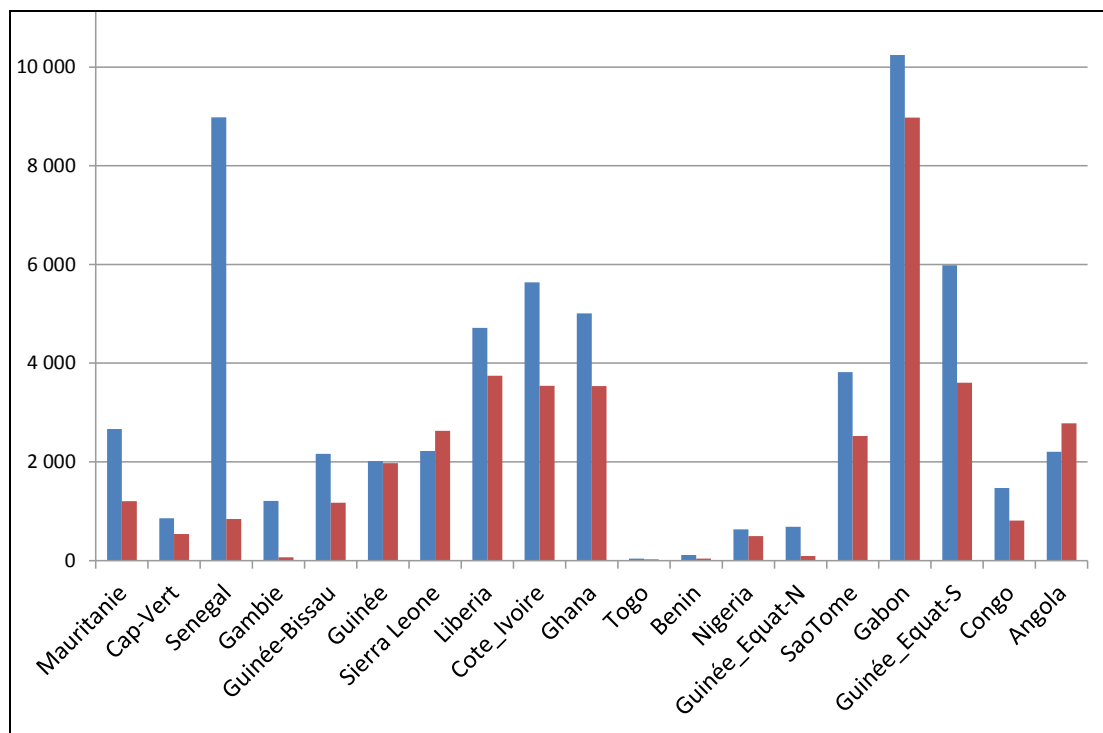


Figure 4.1: annual average catch (t) of European purse seiners in the West African EEZs

Source: Regional Report – chapter 4; Key: blue - average 1970-2001, red – average 2002-2011

According to ICCAT data, and as described in the Regional Report, there were 65 purse seine tuna vessels operating in the tropical tuna fisheries in the Atlantic Ocean in 2010. The EU-flagged tuna purse seine fleet was described in a conference presentation by the EU vessel owners associations¹⁰⁸ as consisting of nine French and 14 Spanish registered vessels – or 23 EU vessels in total. The annual average catches for two periods, 1970 to 2001 and 2002 to 2011 based on ICCAT data European purse seine vessels within West African EEZs (Figure 4.1) indicate that Liberia not only has one of the larger catches in the region for these two periods but it also demonstrates the long-term interest that there has been by European purse seiners in the Liberian EEZ.

There were a further nine purse seiners described by the vessel owners' associations as being part of the EU fleet but as they are registered outside of the EU they are not part of the focus of this evaluation. In addition there are eight Ghanaian registered tuna purse seiners belonging, through a wholly-owned subsidiary, to a major EU company. This brings the number of EU-owned, but not EU-registered, vessels in the fishery to 17. Their presence in the fishery is discussed here as the owners of these vessels could, if they saw any advantage in it, return to an EU flag, although this is unlikely to happen if the reason for registering vessels elsewhere is as described below. It should be noted that EU companies dominate the purse seine tropical tuna fisheries in the Atlantic, owning 40 out of the 65 vessels that ICCAT has registered as fishing in the tropical tuna purse seine fishery.

¹⁰⁸ Presentation by Orthongel at 'Towards a Sustainable Tuna Fishery in the Coastal States of the West Africa Sub Region' Conference, Monrovia, 1-2 November 2012

A five-year average of approximately 350 000 t per year of all species of tuna are caught in the Atlantic, with about a third of this caught by EU flagged vessels (see Regional Report in Chapter 4). About 50 % of the catch by EU vessels is estimated to be caught in the EEZs of coastal states¹⁰⁹.

Among the major Atlantic tropical tunas, skipjack is probably slightly underutilized (see Regional Report Section in Chapter 5) according to the last stock assessment conducted in 2008 with a biomass larger than that associated with maximum sustainable yield level (MYS). There is concern, however, that increases in the catches of skipjack for example by using FADs, could lead to increases in the incidental catch of other species such as yellowfin and bigeye.

According to the 2011 stock assessment, yellowfin is assessed as marginally overfished (Regional Report, in Chapter 5) ICCAT has recommended a reduction in the catch of small individuals and a TAC of 110 000 t. This strategy is expected to restore the spawning stock biomass to a level able to support the maximum sustainable yield (MSY) in 2016 with a probability of 60%. ICCAT has not allocated quotas to any Contracting Party, Cooperating non-Contracting Party (CPC), thus not effectively restricting catch. The EU does not limit the catch of yellowfin by the EU fleet.

Bigeye is assessed as being fished close to its MSY and ICCAT recommends a TAC of 85 000 t for all fleets. However, it allocates catch quotas for eight CPCs absorbing 79 427 t of the TAC. This arrangement means that the remainders of the CPCs are not limited to a particular quota. The EU was allocated a quota by ICCAT of 22 667 t per annum for the period 2012-2015, but has set its own limit by regulation of 29 867 t for 2012 and 29 467 t for 2013 (see Regional Report in Chapter 5). ICCAT's Recommendation 2011 – 01 sets out a multi-annual conservation and management program for bigeye and yellowfin tunas¹¹⁰.

According to an estimation based on data reported to ICCAT, EU purse seiners caught around 5 800 t of tuna in Liberian waters in 2011 and an average of 3 745 t per year for the decade 2002-2011¹¹¹. (Note the final paragraph of section 1.1, that various parties use coordinates for fishing zones of coastal states that differ from the official EEZ coordinates of the coastal states, which could create problems in catch reporting.)

4.3 EU vessel operations in Liberia *vis à vis* their regional strategy

As stated, Liberia's EEZ lies on the migratory path of the tropical tuna species and fishing within the Liberia EEZ is an integral part of the strategy of the EU purse seiner fleet and is essential for the efficient operations of the fleet. The Regional report in its Chapter 4 illustrates that fishing in Liberian waters have for decades been a significant part of the EU fleet's fishing strategy.

¹⁰⁹ Ibid

¹¹⁰ ICCAT Recommendation http://www.ofdc.org.tw/fishserv/File/Rule/ICCAT_Resolutions_E/2011-01-e.pdf

¹¹¹ ICCAT data. Note that catch data are not reported to ICCAT according to EEZs and that caught on the high seas but according to statistical blocks which are 1° x 1° for purse seiners and 5° x 5° for long liners. Deducing catches made within each EEZ of the sub-region from the ICCAT databases must be considered approximations as the statistical blocks often cross EEZ boundaries,

Ex ante evaluation

This section of the report provides an ex ante evaluation of a possible FPA/Protocol between the EU and Liberia.

4.4 Needs to be met in the short or long term

4.4.1 Needs shared by both the EU and Liberia

Capture fisheries and aquaculture supplied the world with about 148 million t of fish in 2010, of which about 128 million t was used for direct human consumption. Preliminary data for 2011 indicate increased production of 154 million t, of which 131 million t was destined as food (FAO, 2012). In 2009, fish accounted for 16.6 % of the world population's intake of animal protein and 6.5 % of all protein consumed. In the last three decades (1980–2010), world aquaculture production of food-fish has expanded by almost 12 times, at an average annual rate of 8.8 %, and in 2010, global production of farmed food fish was 60 million t, up by 7.5 % from 56 million t in 2009 (and from 32 million t in 2000). However, overall global capture fisheries production continues to remain stable at about 90 million t. And according to FAO, 57.4 % of the world's fish stocks were fully exploited in 2009, and an additional 29.9 % were over exploited, meaning that only 12.7 % of stocks were non-fully exploited in 2009 (FAO, 2012). While increases in aquaculture production are ensuring continued increases in global production, the rate of increase is beginning to slow, and coupled with demand for fish products which is continuously increasing, there are significant concerns over the long-term ability of global fisheries and aquaculture to meet their critical role in contributing to food security. This is especially the case given the uneven distribution/availability of fish products between countries/regions and income groups, and expected rises in fish prices in the future.

These concerns are reflected in the West African region. Catches of tuna in the Atlantic Ocean have remained stable for the last decade and have averaged about 350 000 t during the period 2006 to 2010 (see Section 4.2). About one third of the total catch is taken by EU vessels. Skipjack is assessed as being slightly underutilised. Yellowfin is assessed as marginally overfished and the scientific advice was to decrease the catch of juvenile yellowfin which tend to be captured with the use of FADs. Bigeye is being fished close to MSY (see Section 4.2 and also see Regional Report in Chapter 4). This means that there is no scope for EU flagged vessels to expand their catch of yellowfin. Overall this implies that a possible FPA/Protocol should not be a vehicle for increasing the fishing effort of the EU fleet.

There is also concern about the long-term status of stocks in the region due to rapidly rising prices for tropical tuna in recent years, which provide a strong incentive to catch more fish, including through IUU fishing. This is particularly the case if the financial rewards outweigh the potential risks of being caught and the likely sanctions imposed on vessels if caught while engaged in IUU fishing.

The 23 EU purse seiner vessels currently active in the eastern Atlantic Ocean represents over one third of the purse seine fleet in the region (see Section 4.2). The fleet wishes to continue operations in the region in the future and needs long-term sustainable stocks for it to do so. As highlighted in Section 4.3 there is an interest by EU vessels in fishing in Liberia's waters as part of a regional fishing strategy, and so Liberia's contributions to ensuring sustainable stocks in the region are critical. For Liberia, long-term sustainability of the fish stocks found in its waters is a principle set in the 2010 Fisheries Regulations (see Section 2.2), and in the region generally given the migratory nature of tuna resources. Importantly in respect to the tuna stocks Liberia has demonstrated by entering into the drafting of an MoU their interest to develop multi-year agreements to sell access rights at an appropriate price to foreign vessels to fish in its waters, which will rely on sustainably managed stocks in line with the principles set out in the Fisheries Regulations (see Section 4.1.2). The EU as a member of the ICCAT, also has a need/obligation to work to ensure improved sustainability of capture fisheries in the region, given that the mission of the ICCAT is 'the conservation of tunas and tuna-like species in the Atlantic Ocean and adjacent seas' (see Section 1.4).

The key long-term need, shared by both the EU and Liberia, is therefore the sustainability of capture fisheries production occurring in the region and migrating through Liberia's waters. Due to the highly migratory nature of these stocks this requires that relevant parties - the EU, regional organisations, and Liberia's administration - work together in partnership to enhance capacities both within Liberia and at the regional level, to help to foster improved governance, continued developments in science, implementation of fisheries policy, continued developments in MCS, and reductions in IUU fishing.

There is a need for various EU parties and Liberia to use an agreed set of coordinates for the fishing area of Liberia and for this to be based on the coordinates that Liberia uses to officially define its EEZ. This would eliminate possible confusion in catch reporting.

Shared needs of both the EU (European Parliament, 2012) and Liberia also include the need for a possible FPA/Protocol to be concluded in the spirit of fair, transparent, and equitable cooperation with respect for human rights and democratic principles, and to aim at sharing benefits fairly between the two parties. Indeed the content of a possible FPA/Protocol should also include text serving to safeguard human rights in line with international agreements on human rights. An additional shared need is for safeguarding working conditions on board fishing vessels in line with international standards reflected in International Labour Organisation (ILO) Conventions.

4.4.2 Liberia's needs

Based on the draft fisheries policy and on the 2008 Liberian Food and Agriculture Policy and Strategy, the authors have proposed expected needs for Liberia in respect to a possible future FPA/Protocol based on the Food and Agriculture Policy and Strategy (FAPS) and other related policy direction (see Section 2.2), the legislative framework (see Section 2.2), and other findings of the evaluation. However as no visit was made to Liberia nor direct contact made with the administration these needs are supposition and should be considered as areas for possible consultation and consideration in any possible FPA negotiations with Liberia.

With a sizable trade deficit, very low per capita income and very poor national infrastructure, Liberia urgently needs to increase its earnings from its natural resources including fisheries as one of the key natural capital assets of the country. This income is needed in order to provide the required revenue stream to rebuild and develop the country (see Section 1.3). This income stream can be generated both as a result of increased local catches and local value addition, and though fair compensation for access to Liberian waters by distant water fleets to target fishery resources that the Liberian fleet cannot or does not wish to catch (see Section 3.1). The need for natural resources to contribute towards economic development is also captured in the Constitution (see Section 2.2). As can be seen from Figure 4.1 the European purse seine fleet has been reporting catches to ICCAT from the Liberian EEZ since the 1970s but to date the benefits to Liberia have been limited to some recent fines. The highly migratory species of tuna and tuna-like species (i.e. yellowfin, bigeye and skipjack) are currently not targeted by the domestic small-scale or domestic industrial fleets so they offer an excellent opportunity for Liberia to gain essential income through selling access to this resource in a manner that ensures the sustainability of the fishery and thus a long-term income flow to Liberia. Under the 2010 Fisheries Regulations it is specified that industrial vessels fees are 10 % of the value of the catch and by-catch (see Annex E). In 2011 the reported EU purse seiners catch to ICCAT was 5 796 t of tuna from Liberian waters. Based on a range of indicative rates from approximately EUR 1 000 to 2 000 per tonne this suggests that Liberia would have anticipated fees in the region of EUR 0.5 to 1.0 million for the year of 2011. Liberia has already started discussions with EU vessel owners associations to draft an MoU as a framework for access for EU vessels to fish in their EEZ for highly migratory species, and they have also noted their interest to open negotiations with the EU for an FPA, it is expected that this may be because the FPA/Protocol framework would provide greater security for a longer-term income flow to Liberia.

At present Liberia imports substantial quantities of whole frozen fish (see Section 3.1) to meet demand for domestic consumption as fish is the most highly consumed animal protein in the country. However, even with these imports, per capita consumption is only 5 kg per year, which is lower than it was in the 1980s and significantly lower than the sub-Saharan coastal state average of 17 kg per year. This is a serious concern for Liberia as with a population of over four million and an annual growth rate of 2.6 % the need for fish protein is expected to continue to increase (see Section 1.3). The situation has become more challenging since early 2011, when following the implementation of the 2010 Fisheries Regulations and the enforcing of the ban on trawlers fishing in the IEZ, the landing of Liberia caught fish has reduced significantly. With a population of approximately four million people, eating, on average 5 kg fish per year, 20 000 t of fish per year is required. The FAO in 2010 (which is before the introduction of the IEZ) reported 8 000 t of fish landed in the country, this suggests a significant shortfall that although being met by imports, to some degree, opens a window for increased landings or imports to boost the supply. Increasing agricultural productivity, including fisheries, is a commitment taken by Liberia and incorporated into the Liberia Agriculture Sector Investment Program (LASIP), which aligns national targets for agricultural growth to the pan-African Comprehensive African Agriculture Development Programme (CAADP) (see Section 1.4). Therefore although it is not required in the current national legislation, it is anticipated that there may be a requirement to land a percentage of by-catch to the local market as a need of Liberia's in a future FPA/Protocol.

Liberia wishes to increase employment opportunities. It is therefore expected that Liberia would wish to create new or extend current job opportunities within an FPA framework that may include the need for: Liberian seamen to work on EU vessels, increased employment through on-board observers being placed on EU vessels and the employment of local agents to act on behalf of EU vessels.

The current legal framework of Liberia (see Section 2.2) provides for the Coordinator of BNF to place national observers on licensed vessels when de deems it necessary and also to have an operational vessel monitoring system (VMS) on their vessels. Based on this, it is expected that EU vessels under any future FPA agreement will be required to comply with these requirements, although in respect to observers it is anticipated that for the tuna purse seine vessels Liberia may be prepared to apply the ICCAT requirements for observer coverage, although they are not yet a member (see Section 1.4).

Liberia has made considerable improvements in introducing effective MSC within its waters, including: inter-agency cooperation with the coastguard and navy and the arrest of around 40 vessels (see Section 2.4). However, as a coastal state, it is expected that Liberia needs the systematic cooperation with the flag states of whose vessels operating in its waters, especially given the limited capacity it has to patrol the EEZ. It is therefore anticipated that Liberia needs an improved communication system with EU flag states in respect to the tuna fishery.

Through an FPA, options may be explored to facilitate strengthened cooperation for regional information sharing with other port states and in particular Côte d'Ivoire. Also as a member of the Compliance Committee of the FCWC fisheries body, Liberia already has communications with the Côte d'Ivoire and Ghana MCS officers and these relationships will serve useful for Liberian MCS information needs (see Section 2.4).

Drawing on guidance from the FAPS, LASIP, and the evaluation findings the authors have identified some options that may be suitable for potential sector support under a possible FPA/Protocol. As no consultation was made with the administration these suggestions will require further justification and prioritisation with carefully attention to ensuring that they are coherent with the work and plans of the WARFP and other activities in the sector, this prioritisation of the sector needs will need to be discussed further during any potential FPA/Protocol negotiations. Indicated below are some options that may be suitable for potential sector support through the sectoral support funds provided under a possible FPA/Protocol.

While Liberia has recently made significant improvements in the management of its fisheries, many of these improvements remain fragile due to the lack of skills and experience among BNF management and staff (including MCS personnel) and a shortage of finance for the new management arrangements that are currently being developed (see Section 2.1). The skill shortage, partly a legacy of the years of conflict, is in every area of expertise needed for effective and sustainable fisheries management, ranging from the collection and management of data and stock assessment to MCS and enforcement (see Section 2.1). Liberia is currently assisted by the few donor projects that exist in the sector, and specifically the World Bank supported WARFP Liberia initiative (see Section 1.7.2). However, even if this project is extended into a second phase (beyond 2014), the BNF will need to assume full responsibility for the functions currently supported by WARFP and for the running and maintenance of the assets required for the fisheries management system to function adequately. To date the level of expertise is slowly improving as some fisheries officers who have had the opportunity of further training assume duties within the BNF, but the capacity gap remains substantial and on-going funding to the sector itself will be needed to ensure that the BNF can fulfil its function.

Based on the evaluation in Chapter 2 of the 2010 Fisheries Regulations, and in order to have improved management of the tuna fishery, it is expected that Liberia will need to strengthen aspects of its MCS system to support adequate monitoring of a possible FPA/Protocol. These are likely to include strengthening the legislative framework to that is currently based around the functioning of a trawl fishery and improving MCS capacity to: perform pre-license inspections, monitor the VMS that is expected to be required by all vessels, compile entry and exit reports, evaluation and monitor logbooks, provide on-board observers and a strengthened management system for observers, provide inspectors to monitor offloading in the Port of Monrovia and elsewhere, and establish a system to regulate FADs.

By reserving the IEZ for the artisanal and semi-industrial sub-sectors, the Government has clearly indicated its intent to improve the availability of fish for local catches, improve the safety for those fishing in the zone and to overall safeguard the fishing interests of the small-scale sub-sector. This requires the need for on-going implementation of the IEZ requiring MCS capacity and assets (see Section 2.4) and compliance by the industrial fishing fleet to this Regulation. Liberia has started to gain some success with the community management association (CMA) at Robertsport (see Section 2.1) and it is the authors' anticipation that Liberia may need to extend the CMAs to other regions to ensure compliance to fisheries regulations.

As a coastal state, Liberia requires an improved communication system with the port states where vessels fishing within their EEZ visit for off-loading or resupply. The three major ports of relevance for the purse seine fleet are Dakar in Senegal, Abidjan in Côte d'Ivoire and Tema in Ghana, with the key operational port for the EU fleet being Abidjan (see Section 3.3), Liberia has been developing regional communications for MCS, most notably through the FCWC compliance committee and through the hosting of a regional workshop on MCS in November 2012 (see Section 2.4). It is expected that Liberia needs support for strengthened cooperation for regional information sharing with other port states and neighbouring countries, that may be considered for sector support funds.

Inland waters cover 13.5 % of Liberia's surface area and there is a strong demand for fish in non-coastal communities, suggesting that this could provide the basis for increased freshwater fisheries production and available fish for local consumption. The potential of the inland water resources needs to be assessed for its potential in better meeting the food security needs of Liberia.

The Liberian Government sees a need to gain more value from its fisheries resources¹¹² in part by increased landings from the estimated potential catch in its waters of 150 000 t, and so to supply a processing industry. Liberia sustained a thriving processing industry in the 1970s, particularly for shrimp (see Section 3.3), and would like to revive and build a processing industry that could contribute substantially more to the economic well-being of Liberia. Although the draft policy, which is still in the consultative phase and not yet finalised, it does not specifically refer to the development of tuna processing facilities, references to the development of processing facilities are unlikely to exclude processing consideration of the processing of tuna. The viability of tuna processing in Liberia would need to be carefully examined in the context of the existence of significant regional capacity and should be the subject of a thorough feasibility study prior to any decision being made.

It is expected that EU financial contributions from a potential FPA/Protocol are likely to be directed to the central treasury although it was not possible to consult with the administration to determine if any allocation specifically for sectoral support could be directed directly to the BNF. This could be explored further during possible negotiations.

4.4.3 EU needs

In addition to the shared needs of long-term sustainable exploitation of resources and respect for human rights discussed above, the EU has other specific needs which would need to be met by a FPA/Protocol with Liberia.

The EU purse seine fleet has been operational in the Atlantic Ocean since the late 1950s, with a strong reliance on catches in both the high seas and in the EEZs of coastal states, including that of Liberia (see Figure 4.1). As the text in Section 4.3 highlights, Liberian waters are on the migratory path of the Atlantic Ocean tropical tuna. The EU tuna purse seine fleet have historically accessed these waters for decades and need to continue doing so as part of their fishing strategy. The EU fleet operate between northern Angola and Guinea Bissau. However, the EEZs where the largest catches are taken are those of Guinea, Sierra Leone, Liberia, Ghana and Sao Tome and Principe (see Section 4.1.2). The EEZ of Liberia is, therefore, of strategic interest to the EU fleet and would fit within a regional network of fishing opportunities. EU purse seine vessel owners want some form of access agreement with Liberia to fish the highly migratory species. The participation by the EU purse seiner professional associations and other EU corporate interests in negotiations with the Liberian Government over the terms on which the vessels under their control will be granted licenses to fish in Liberian waters indicates a strong mutual desire to give legal certainty to the operations of the EU fleet in Liberia's EEZ. A possible FPA/Protocol with Liberia would need to include fishing opportunities for the 23 purse seine vessels currently operating in the eastern Atlantic. With respect to the needs of purse seine vessels in terms of species to be included in any FPA/Protocol, the need is for a possible FPA/Protocol to provide access to skipjack, yellowfin and bigeye tuna resources i.e. highly migratory species.

As discussed in Section 4.2 and presented in Table 4.2, 17 EU owned but third country registered purse seine vessels are operating in the eastern Atlantic. The possible reason for them moving from EU registration was discussed in Section 4.2. Although there may be potential benefits from increasing the number of possible fishing authorisations within the FPA to about 25 to allow for possible change in circumstances and a possible return of some of these vessels to an EU registration, this would possibly lead to underutilisation of fishing possibilities set up by the FPA and would reduce its efficiency. Therefore although this need may be apparent it is not considered further.

¹¹² Minister of Agriculture, Liberia, press release 19th January 2011

There are no EU longliners or trawlers operating in Liberia's waters, as far as could be established.

With the rise in the prices of tuna, particularly in the period 2009 to 2012, there is upward pressure on the cost of fisheries access for tropical tuna. It is in the interests of the EU fleet to have operational conditions that are relatively stable, including predictable costs in relation to access.

4.5 Lessons learned from the past

Important lessons can be drawn from recent experiences in the fisheries sector in Liberia and in the region more generally. These are that:

1. The events involving EU vessels referred to in 4.1.1 point to a need for greater transparency in the acquisition and delivery of Liberian fishing licences and greater legal certainty for all parties in the tuna fishery.
2. There is likely to be a high uptake of fishing opportunities offered through a possible FPA/Protocol with Liberia. The EU fleet has consistently fished in Liberian waters for decades and, following a difficult period in its relationship with the Liberian Government in 2011 and 2012 (see Section 4.1.1), is seeking a more formalised arrangement for its operations in Liberian waters (see Section 4.1.2). The negotiations between the EU vessel owners associations and the Liberian Government have been ongoing for the last year and the vessel owners associations regard an agreement as being urgently needed.
3. There is no evidence of the EU longline fleet fishing in Liberian waters and it seems unlikely that these vessels would take up fishing opportunities under a Protocol if they were offered.
4. A key lesson is the pervasiveness and destructiveness of IUU fishing in Liberian waters and in the region more generally. It suggested that strengthened MCS could result in improved resource conditions, increase yields, and increase in revenue for Government. An FPA would help set a mutually acceptable standard for fisheries agreements, strengthen MCS and contribute to improved governance of the sector.
5. Section 1.1 pointed out that the substantial inland water resources and strong demand for fish in non-coastal communities could provide a basis for increased freshwater fisheries production. The potential of the inland water resources needs to be assessed for its potential in better meeting the food security needs of Liberia, a possible area of sector support.
6. Sectoral policy support under a FPA/Protocol should not prevent the beneficiary country from additional aid under EU-funded programmes or projects, other than the obvious case it is not used to fund the same activities twice. This refers to, for example, the ACP Fish II programme –ending at the end of 2013 - where countries having concluded a FPA/Protocol with the EU are not eligible to receive technical assistance for policy/legislation and MCS related issues.

It should be noted that the CFP, including its external dimension, is under reform, and that this has implications for FPAs/Protocols in the future because on-going reform suggests a number of changes in emphasis and content of FPAs/Protocols (see European Parliament 2012, European Parliament 2013, and Council of the European Union 2012).

4.6 Objective setting

The above sections on the needs of both parties, the lessons learned from the past, ongoing reform of the CFP, and recent European Parliament and Council of the EU documents (European Parliament 2012 and 2013, and Council of the European Union, 2012) are the basis for specification of overall objectives and a number of more specific objectives of a potential FPA/Protocol between the EU and Liberia. The general and specific objectives set below, therefore, stem from the needs assessment (see Section 4.4) and the lessons learned (see Section 4.5) as presented above, and form part of the intervention logic. In this context, it is expected that they would be included within a final logical framework (logframe) for the possible intervention (see Section 4.10).

General objectives

1. Resource conservation and environmental sustainability ensured through rational and sustainable exploitation of living marine resources of the coastal state.
2. Protection provided for the financial viability of the EU purse seine fleet operating in the eastern Atlantic, and for the employment linked to the fleets both in the EU and in the partner country.
3. Fair compensation to Liberia for access to its tuna fishing waters.
4. A sustainable fisheries sector developed in the partner country, and the partner country integrated into the global economy.
5. Respect for human rights and democratic principles promoted.

Specific objectives

1. Access facilitated for the EU fishing fleet to the partner country waters to exploit highly migratory species.
2. Scientific knowledge of the fisheries resources improved through cooperation between the EU and the partner country.
3. Coherence and compliance with the conservation and management measures and scientific committee recommendations of the ICCAT, and IUU fishing eradicated.
4. Best practice principles and standards for fisheries management applied in the partner country.
5. The level of fees payable by EU vessel owners for their fishing activities is fair, non-discriminatory and commensurate to the benefits provided through the access conditions, there is no discriminatory treatment towards EU vessels, and a level playing field promoted among the different fleets operating in the partner country.
6. A supply of fish ensured for the EU, for the partner country, and for other markets.
7. Capacity is built in partner countries for sustainable resource conservation.

4.7 The policy options available

This ex ante evaluation considers two possible ‘policy’ or ‘intervention’ options. The first is ‘a highly migratory species FPA/Protocol between the EU and Liberia’. The second is ‘no FPA/Protocol between the EU and Liberia’. The text below lays out what each option would involve, and what the risks would be, so that subsequent sections can evaluate the two options with a clear idea of what would be entailed with each option. It should be noted that it is not appropriate for this ex ante evaluation to specify or propose precise details which might be the subject of negotiation between the two parties, and the description of the two options below is intended, therefore, only to provide enough detail so as to be able to evaluate their respective results/impacts (see Section 4.8). A regional approach to a fisheries agreement would be premature and is not considered. It was noted in the Regional Report (see Chapter 3) that the idea has been discussed since 2000 in the context of the SRFC (which Liberia is not a member of but a neighbour to) but that the coastal states in the region are not willing at present to proceed with such an arrangement.

4.7.1 Option 1: A FPA/Protocol between the EU and Liberia

Option 1 is specified based on the text provided in Section 4.4 and Section 4.5 above, as follows:

- At least 23 (or about 25) fishing authorisations provided for EU tuna purse seine vessels;
- No fishing authorisation opportunities provided for EU longline vessels or trawlers;
- The FPA/protocol to provide access for EU vessels to highly migratory species i.e. tuna and tuna-like species;
- A Protocol lasting for an initial period of three to five years;
- Access costs to be based on vessel fishing authorisation fees, and a minimum reference tonnage;
- A Joint Committee made up of representatives of both parties to meet regularly to monitor the implementation and impacts of the FPA/Protocol;
- Financial contributions to be made by both the EU and the EU vessel owners; and,
- Financial contributions to be provided for access, as well as for fisheries sector policy support.

The key risks associated with this option, which are discussed in more detail below, are as follows:

- A failure by EU vessels to utilise the fishing authorisations and catching possibilities provided, however given the catching history this is unlikely;
- A failure by parties to agree on the content of the sectoral support matrix given different objectives and needs; and
- A failure by the Joint Committee to adequately monitor the implementation of the FPA/Protocol so as to achieve both its overall objectives as specified above (see Section 5.3), and the detailed arrangements and agreements contained within the FPA, Protocol and Annexes.

4.7.2 Option 2: No FPA/Protocol between the EU and Liberia

This option represents the alternative to having an FPA/Protocol. EU vessel owners, or their representative organisations, would be free to continue to negotiate an access agreement to fish in the waters of Liberia. This option assumes that they would do so based on the draft agreement (MoU) referred to in Section 4.1 that the Government of Liberia has placed on its BNF website and that:

- Vessels owners and the Liberian Government would negotiate annual or multi-annual rights for approximately 40 purse seine vessels to fish in the waters of Liberia. This is likely to include vessels that are owned by EU corporate interests but flagged to third countries;
- No fishing authorisations would be provided under private agreements for EU longline vessels;
- Access would be provided for catches of highly migratory species i.e. tuna and tuna-like species;
- Access costs would be based on a vessel fishing authorisation fee and possibly also be linked to the actual level of catches made, possibly at a similar level as is currently in the legislation intended for the trawl fishery or simply a set annual fishing authorisation fee (see Annex E);
- No Joint Committee would be established to monitor or evaluate the access granted;
- Financial contributions would be made only by EU vessel owners, not by the EU; and
- Financial contributions would be only for access not for fisheries sector policy support.

The key risks of this option relate to the added-value of EU involvement as discussed below in Section 4.8 and 5.6.

4.8 The results expected

This section of the ex ante evaluation considers the results expected from the two options outlined above. The results are considered in terms of potential economic, social and environmental impacts. The risks of each option are also considered, along with possible mitigation measures.

The discussion below is framed in terms of the extent to which the two options would meet the needs of stakeholders, and generate results favourable to them. As presented Section 5.1 above, some of these needs and expected results are shared, some are specific to the EU, and some are specific to Liberia.

4.8.1 Benefits and results shared by the EU and Liberia

This report has highlighted earlier in Section 5.1 that the long-term shared needs of both the EU and Liberia are the sustainability of capture fisheries production occurring in the region and the tuna migrating through Liberia's waters, sustaining and developing the economy of Liberia, the EU and the ACP neighbour States. This requires that any future FPA/Protocol is coherent to Liberia's, the EUs and the regional framework, especially ICCATs, and that Liberia and the EU are able to monitor implementation of the framework. This should include agreed coordinates for the fishing area to which a FPA/Protocol would apply¹¹³. Having an FPA/Protocol is expected to result in this being achieved. The granting of access within a framework guided and managed jointly by the EU and Liberia (overseen by a Joint Committee) coupled with the specific financial contribution provided for sectoral support represents a significant difference in the results between the two options. These differences mean that option 1 would be far more likely to contribute to the sustainability of capture fisheries production in the region and in Liberia than option 2, in which annual individual fishing authorisations would be used.

4.8.2 Benefits and results to the EU

The Regional Report outlines, and where possible quantifies, the main impacts and benefits of the EU purse seine fleet's operations in the eastern Atlantic, in terms of 1) value-addition and employment in the EU catching sector, 2) in upstream EU-based supply businesses providing goods and services to EU vessels, 3) in downstream EU-based processing based on the flow of product from the eastern Atlantic to canneries in west Africa which supply the EU market with some 15 % of its canned tuna product. The result of having a FPA/Protocol between the EU and Liberia is unlikely to immediately result in any increase in these benefits. However, it is expected that as a result of the improved governance of the fishery within Liberia (through the implementation of the FPA conditions for EU vessels and improvements to the sector through sector support), that this would have a positive impact on the state of the resources and in particular the yellowfin stock thus possibly permitting higher catch allocations by ICCAT in the future. The FPA would offer legitimate access that is currently not available and also a longer-term security of that access to Liberia waters (three to five years) and therefore of supply. The alternative option of option 2 and an MoU arrangement with associated annual fishing authorisations would provide access to the Liberian EEZ and the associated benefits linked to the regional network for access with the Atlantic Ocean.

In addition, it is not expected that option 1 would generate any immediate additional benefits in terms of value added and employment over and above those which would be created under option 2, given that option 2 assumes that the needs of vessels to fish in Liberia's EEZ would be met by an MoU and annual authorisations (see Section 4.1) i.e. the total amount of catches made, and the resulting upstream and downstream linkages, would be the same under both options. However, as noted above in the longer-term the benefits of improved fishery governance may offer improved catches and thus increased benefits related to value added and employment. In both options tuna caught in the Liberia EEZ is expected to be landed outside of Liberia (see Section 4.3).

¹¹³ See last paragraph of 1.1 and penultimate paragraph of 5.1.1.

Finally with respect to EU results, option 1 and option 2 would be characterised by different sources of funding. Under option 2 all funding for access would come from EU vessel owners, and none from the EU. This would clearly mean a reduced requirement to use EU funds, and increased costs for EU vessel owners.

4.8.3 Benefits and results to Liberia

In addition to the shared benefits and results mentioned above an FPA/Protocol would provide Liberia with the security of a secure income flow over a period of three to five years from their tuna resources that could contribute to national growth as well as improvements in sector governance.

As no access is currently available an FPA/Protocol framework is likely to improve employment opportunities, this may be through the employment of: Liberian seamen on EU vessels; an increase in the employment of fishery staff, including inspectors and observers to implement the conditions of the FPA; service industry personnel such as ships agents and suppliers of goods and services (including: stevedores, maintenance staff, ships chandlers) as well as wider options related to a through flow of crew in Liberia requiring 'tourist' type facilities (e.g. airport, restaurants etc.). However, in comparison to option 2 being implemented the increase is not anticipated to be large as most of these positions would also exist under option 2, but they may be increased slightly due to new or stricter conditions associated to the FPA/Protocol.

Compliance to fishery regulations generally improves if those fishing have a longer term interest in the fishery resources. An FPA would support this by firstly offering access to the Liberian EEZ and secondly doing this within a three to five year period and thus possibly benefiting the MCS system by increasing voluntary compliance by the fleet - in particular to the implementation of the IEZ.

Option 1 would satisfy Liberia's need to have an improved communication system between Liberia and the EU member states of France and Spain particularly through the Joint Committee.

The sectoral support contribution allocated with appropriate checks and balances would provide additional and as earlier identified (see Section 2 and Section 5.1.2) much needed benefits to BNF and stakeholders of the fishery sector. Possible benefits and results from sector support could include assistance to the lack of capacity in BNF, both indirectly through potential financial contributions made under an FPA that are allocated from general revenue and used for general capacity building in the country, for example in education (schools and the university), or more directly from the sectoral support of a future FPA/Protocol that could be channelled for capacity building initiatives within BNF or for training opportunities for Liberian seamen or other capacity building in the sector. Through allocation of sector support, options may be explored to facilitate strengthened cooperation for regional information sharing with other port states and in particular Côte d'Ivoire.

4.8.4 Risks of option 1: a FPA/Protocol between the EU and Liberia

There are a number of risks to this option and a key risk is related to fish prices and the compensation paid in this respect. One risk is that value for money may not be provided for the EU if minimum payments were made by the EU to Liberia based on a reference tonnage, and then the utilisation of fishing opportunities was lower than had been anticipated. This would result in high costs of access being paid, when viewed as a proportion of the total sales value of the fish caught under the FPA/Protocol. This risk could be minimised by ensuring that the reference tonnage is not set too high, and also by keeping the validity period of the Protocol not too long so that the reference tonnage can be re-negotiated, after a set period of time, based on an evaluation of utilisation rates. However, if the duration of the Protocol is too short, independent evaluations are difficult due to the lack of validated data. A Protocol of between three to five years may be suitable to overcome this risk.

Another risk with regard to uncertainty over fish prices is the extent to which changes in them would impact on achieving 'fair and mutual benefits'. Financial contributions for access under a FPA/Protocol can be expected to be based on an assumed value of catches based on fish prices and fixed for the duration of a Protocol. Given this, any rise in tuna prices (assuming constant costs of fishing) would mean that the value added made by EU vessels would rise while the benefits to Liberia from the financial contributions would decline as a percentage of the sales value of fish (and could become less than the potential fees that they could generate by selling access rights to other countries). The converse could also be true; if fish prices decline, the result could be reduced value addition to the EU, and costs for access payable to Liberia of a higher proportion of the sales value of fish. This risk, which is inherent due to the fluctuating international market prices for tuna, would be minimised by having a shorter Protocol or by including a mechanism to accommodate adjustments in the compensation paid in relation to the sales price of fish. Alternatively by fixing these prices for a period of between three to five years the security of having one less variable for operational planning is provided to both partners.

In order to ensure that improved conservation and sustainable management of the fishery resources regionally and in Liberia's waters, is achieved, the conditions of the FPA/Protocol framework require implementation. This is overseen and monitored by the Joint Committee and if this does not function correctly it may not ensure that the conditions are adequately applied and thus the result achieved. This risk could be minimised by careful specification in the text of a possible FPA/Protocol as to the responsibilities of the Joint Committee, the roles to be played by the different partners and the frequency of meetings.

In relation to activities provided by the sectoral support funds, several risks exist: firstly, the potential inability of both parties to agree on areas for sectoral support funding; secondly that the sectoral support is not well specified; and finally that it is not properly managed. These can be reduced by firstly ensuring that sufficient attention is paid to detail when agreeing the sectoral support matrix and linking these to the priorities of Liberia and the EU (as specified in Section 1, 2 and 5.1) and in ensuring the proper functioning of the proposed Joint Committee, as mentioned above.

4.8.5 Risks of option 2: no FPA/Protocol between the EU and Liberia

The risks described above for option 1, regarding poor value for money if a FPA/Protocol was not well used, would not apply under option 2 as a) vessels would be likely to only purchase rights to fish in the EEZ of Liberia if they need them, and b) no financial contributions would be made by the EU. Under option 2 it is possible that the price of an annual fishing authorisation may be fixed for the period of the MoU and this would then produce the same risks associated with fluctuating fish prices and resulting impacts on the benefits accruing to both parties.

There would be no sectoral support funding provided under this option implying that potential and needed support for improved governance of the Liberia fisheries, including strengthened MCS would not be put in place and this would increase the risk of poor management of the fishery resources. From an EU perspective, less coherence between access arrangements and other EU-linkages with Liberia would exist e.g. development policy or coherence with funding in other sectors. The EU would also lose the additional influence possible under option 1 to foster sustainable fisheries management and fisheries governance in the eastern Atlantic region associated with a FPA/Protocol.

The mitigating measures for all these risks are to ensure that a FPA/Protocol is agreed.

4.8.6 Conclusion regarding the two options

The above text in Section 4.8, when considered in its totality - as summarised in the table below - suggests that option 1 is preferable. While there are some risks in relation to value for money provided by EU funds under option 1, the FPAs overall objectives of sustainable exploitation, sustaining and developing the economy of Liberia, the EU and the ACP neighbour States would be less likely to be achieved under option 2 - if there was no FPA/Protocol. Given that exploitation of catches in a sustainable manner is the fundamental underpinning for long term economic and social benefits for both parties, option 1 should be preferred. Ensuring that access provided by EU vessels is based on FPAs/Protocols rather than individual private agreements linked to an MoU with Liberia is also consistent with the long term thinking of the EU that FPAs/Protocols are preferable to private access agreements signed by Member State fleets, because of the different results that are likely to occur from the two methods of access. Although Liberia has expressed their wish to negotiate an FPA/Protocol, the EU would need to investigate whether Liberia's needs as identified by the authors are correct before proceeding into negotiations.

4.9 **The added value of EU/DG MARE involvement in a FPA/Protocol**

The added value of EU/DG MARE involvement in a FPA/Protocol relates to the risks outlined above for option 2. The added value of EU/DG MARE involvement is:

- The provision of sectoral support funding under option 1 with financial contributions provided by the EU for support to the implementation of Liberia's sectoral policy, but with no such funds provided by private vessel owners under option 2;
- Greater coherence under option 1 between access arrangements and other EU-linkages with Liberia's e.g. development policy/funding, than would be the case under option 2;
- Improved options for support in facilitating flag state cooperation with Liberia through engagement between Liberia and the EU Delegation in Liberia under option 1 and not under option 2; and,
- Increased cooperation between the EU and Liberia in the, fight against IUU fishing and preparation of ICCAT meetings; and
- A strengthened role of the EU within the region under option 1.

Table 5.1: summary comparison of two policy options being evaluated

Option 1 (FPA/Protocol) – key benefits/costs	Option 2 (No FPA/Protocol) – key benefits/costs
<p><u>Support for sustainability objectives</u> – high through the content of FPA/Protocol/Annex text and financial contributions for sectoral support funding</p> <p><u>Relevance to needs</u> – medium/high; no increase in total catches for the EU fleet in the short term, small upstream or downstream benefits/linkages in the EU or Liberia (through possible requirement to use Liberian crew/observers and other BNF employment increases) and greater security in maintaining current catches. Regional network of fishing opportunities for EU fleet more secure and enlarged, and financial contributions to Liberia more secure and long-term</p> <p><u>Effectiveness</u> – medium; a 3 to 5-year Protocol assumed providing good security of rights for vessels (subject to any reassessment of fishing opportunities), but low flexibility to match costs of access to changes in fish prices and utilisation</p> <p><u>Efficiency</u> – unclear without economic/financial modelling and with financial contributions not known. Risk of low efficiency and value for money for the EU if there is low utilisation of fishing opportunities – mitigation measure possible by concluding the relevant reference tonnage</p> <p><u>Coherence</u> – high between access arrangements and other EU-linkages with Liberia, with EU's role as a member of the ICCAT and sectoral support can be complementary to EDF rules</p>	<p><u>Support for sustainability objectives</u> – low as access conditions are not likely to cover many issues typically included in FPA/Protocol/Annex texts, and there would be no sectoral support funding or Joint Committee monitoring</p> <p><u>Relevance to needs</u> – medium; similar to option 1, but possibly slightly reduced employment and no sectoral support funding in support of fisheries sector management needs</p> <p><u>Effectiveness</u> – medium; yearly fishing authorisations are in principle flexible/adaptive to changes in fish prices and only taken up if required</p> <p><u>Efficiency</u> – unclear without information/assumptions about costs of access and calculations</p> <p><u>Coherence</u> – low between access arrangements and other EU-linkages with Liberia, and with EU's role as a member of the ICCAT</p>

Source: consultants' findings

4.10 The most appropriate method of implementation for the preferred option

The appropriate method of implementation of the preferred option (to have a FPA/Protocol between the EU and Liberia) relates to i) procedural steps that must be taken, ii) minimisation of risks, and iii) future monitoring and evaluation.

In terms of process, for a FPA/Protocol to be implemented, the Council of the EU must first be provided with this ex ante evaluation and the Regional Report, and the European Commission must be given a mandate to negotiate a FPA/Protocol with Liberia on behalf of the EU. The European Commission and Liberia should then prepare for, and complete negotiations regarding the detailed content of the FPA/Protocol. The content of the FPA/Protocol would then need to be approved by Liberia's government, and by the Council of the EU and the European Parliament under co-decision making rules. This will then require approval by the Liberia government.

With regards to minimising the risks outlined above, the text of the FPA/Protocol should take cognisance of the risks highlighted in this ex ante evaluation.

With respect to monitoring and evaluation, the most appropriate method of implementation would be for:

- the EU to specify a logframe for the intervention with associated indicators, and means of verification, which could be used in any ex-post evaluation;
- the EU and Liberia to jointly agree on a sectoral support matrix;
- a Joint Committee to meet at least yearly to assess both implementation of the FPA/Protocol in light of the logframe, and success in implementing the sectoral support matrix; and
- an evaluation to be completed before the Protocol expires, of both ex post results/impacts, and of potential ex ante results/impacts of a future Protocol. This would allow both parties to consider the need for re-negotiation of the Protocol based on its utilisation and impacts.

4.11 The internal coherence and relations of the option to have a FPA/Protocol

Given i) the typical content of the text of FPAs/Protocols, ii) on-going reform of the external dimension of the CFP, iii) the fact that new templates for text contained within the FPAs, Protocols and Annexes is currently under preparation by DG MARE in light of the on-going CFP reform process, and iv) the EU's status as a member of the ICCAT, it can be expected that a FPA/Protocol would be fully coherent with the CFP (and its reform), with ICCAT arrangements, and with the EU's international obligations. The sectoral support matrix would also ensure that the FPA/Protocol is fully coherent with the national fisheries sectoral policy in Liberia.

4.12 The volume of expenditure to be allocated and the cost effectiveness principle

Having a FPA/Protocol would have a number of implications in terms of the volume of appropriations from the EU budget, and the human resources and other administrative expenditure to be allocated.

Appropriations from the EU budget would be determined by levels of financial contribution to be paid by the EU to Liberia for access and sectoral support. The exact amounts involved cannot be estimated at this stage and would depend on:

- the reference tonnage included in the FPA/Protocol;
- the price agreed for the catch;
- the actual utilisation of the FPA/Protocol; and
- the relative contributions to be made by a) the EU and b) EU vessel owners.

Additional implications for the EU budget would relate to the human resources required by the EU for the monitoring of the FPA/Protocol. These would relate to the following two requirements, but it is expected that current DG MARE staffing levels and budgets would be sufficient:

- Participation by DG MARE staff, and potentially by EU Delegation staff based in Liberia, in Joint Committee meetings (staff time and operational costs e.g. travel);
- DG MARE and EU Delegation (Liberia) staff time associated with fishing authorisations, data collection/management, and ongoing monitoring of the FPA/Protocol.

Having a FPA/Protocol would also result in some likely costs for Liberia in terms of the staff time and any operational costs associated with the involvement of government personnel with monitoring the implementation of the FPA/Protocol and participating in Joint Committee meetings.

Finally, there could be some potential staff and operational costs in Spanish and French administrations, in monitoring and overseeing the activities of Member State purse seine vessels operating in Liberia's waters. However these costs would likely be the same whether there was a FPA/Protocol or whether private access agreements were agreed between the parties, and would also be unlikely to be additional to current staff and operational budgets i.e. these responsibilities would be taken on by existing staff.

5 Key findings and conclusions

5.1 Key findings and conclusions about current problems and needs

This evaluation has highlighted a number of important points with regards to current problems of tuna fisheries management in Liberia and the needs of both parties.

Liberia held its first democratic elections following over two decades of civil conflict in 2005 and a second election in 2011. In general, social and economic conditions are steadily improving in Liberia but are doing so from a very low baseline, being one of the poorest countries in the world. Emerging into peace time, the Liberian Government has faced the challenge, *inter alia*, of reviving the Bureau of National Fisheries and rebuilding it so that it can function as an effective fisheries authority for Liberia. Technically the BNF has been limited in its effectiveness due to too few suitably qualified personnel, but this situation is gradually changing as more qualified Liberians return from studies. Thus while there has been significant progress in fisheries management, it remains very fragile and in need of support.

It was noted that Liberia has made considerable strides in introducing effective MSC of its waters but needs the systematic cooperation of the flag states whose vessels operate in its waters and the port states which these vessels visit for off-loading or resupply. However, training and essential equipment are also needed. Liberia will also need to strengthen aspects of its MCS system to support a well-managed tuna fishery and ensure compliance with a robust regulatory framework which could be provided by a future FPA.

Liberia needs increased landings to enhance food security and to gain more value from its fisheries resources by reviving a processing industry. There are needs to increase employment opportunities and strengthen fisheries management capacity through training in a broad range of fields.

With a sizeable trade deficit, Liberia also needs a steady and reliable income stream of foreign exchange earnings to meet its balance of payments deficit and to boost Government revenue.

A key need for the EU fleet is to have secure and reliable access to Liberia's waters as it provides a significant part of the fleet's fishing strategy and in recent years they have not been able to legitimately gain access, the EU fleet also requires operational conditions that are relatively stable, including predictable costs in relation to access. The EU fleet in the eastern Atlantic tuna purse seine fishery is a major supplier of tuna to the canneries in Tema and Abidjan which in turn supply some 15 % of the EU market for canned tuna.

5.2 Key lessons from the past

Information contained in the Regional Report and other experience in the region suggests a number of lessons learned from the past which have been itemised in Section 4.5, the most important of which are:

- There is likely to be a high uptake of tuna fishing opportunities offered for purse seiners through a possible FPA/Protocol with Liberia as fishing in Liberian waters is a well-established part of the fishing strategy of the EU purse seine fleet. There is no interest evident in fishing opportunities by the EU longline fleet.
- There is upward pressure on the cost of fisheries access for tropical tuna and that it is in the interests of the EU fleet to have operational conditions that are relatively stable, including predictable costs in relation to access.

- Strengthened MCS could result in improved resource conditions, increase yields, and an increase in revenue for Government.
- A FPA would help set a mutually acceptable standard for fisheries agreements, strengthen MCS and contribute to improved governance of the sector.
- Given the state of stocks, a FPA with Liberia is unlikely to result in increased catches of tuna, particularly in the short-term, but would create greater security of access to Liberian waters and therefore of supply.

5.3 Key findings and conclusions about the two options considered by the ex ante evaluation

The key long-term need, shared by both the EU and Liberia, is the sustainability of capture fisheries production occurring in the region and particularly of tropical tuna species migrating through Liberian waters. Liberia needs a secure, longer-term income stream from its fisheries resources and support in the efficient and sustainable management of its fisheries. The EU fleet needs an agreement to ensure secure and mutually acceptable conditions for access to Liberia's waters as part of the network of EEZs that the fleet needs to access in an efficient fishing strategy.

Two possible options have been considered in this report. Option 1 is to have a FPA/Protocol offering fishing opportunities for 23 EU purse seiners to accommodate the current EU fleet to fish within Liberian waters. Option 2 is to not have a FPA/Protocol which would leave the EU fleet owners in the position of needing to negotiate an MoU or alternative arrangement with the Government of Liberia to gain access to Liberia's waters. The evaluation finds that either option would provide a small increase in employment for Liberia but little change in value added benefits to the EU upstream, catching or downstream/processing sectors, as under both options total EU catches and product flows to market would remain largely unchanged in the short term but are likely to increase in the medium term.

The evaluation finds that, while there are some risks related to option 1, such as a possible risk of low value for money provided by EU funds if utilisation of fishing opportunities is unexpectedly low, the overall objectives of sustainable exploitation, sustaining and developing the economy of Liberia, the EU and the ACP neighbour States would be more likely to be achieved than under option 2. Option 1 would ensure that: conditions of access are coherent with CFP reform, sectoral support funding is provided; and that monitoring of a FPA/Protocol would take place by a Joint Committee. Given that exploitation of catches in a sustainable manner and economic growth are the fundamentals underpinning for long term economic and social benefits for both parties, option 1 should be the preferred option.

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Commission Regulation (EC) No 1010/2009 of 22 October 2009 laying down detailed rules for the implementation of Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing. Official Journal of the European Union L 280/5.

¹¹⁴ <http://eur-lex.europa.eu>

Annexes

Annex A: currency exchange rates used in this report

EUR (euro) exchange rate (1 =)	2007	2008	2009	2010	2011	2012
USD (US dollar)	1.35	1.58	1.41	1.22	1.45	1.34
LRD (Liberian dollar)	78.2	97.8	93.7	85.9	103.5	93.3

Rates at year mid-point (monthly average for June)

Source: Inforeuro¹¹⁵

¹¹⁵ http://ec.europa.eu/budget/contracts_grants/info_contracts/inforeuro/inforeuro_en.cfm

Annex B: list of acronyms/abbreviations

ACP	African, Caribbean, Pacific
AIS	Automatic Identification System
ANABAC	The National Association of Tuna Freezer Vessel Shipowners
ATLAFCO/COMHAFAT	Ministerial Conference on Fisheries Cooperation between African States Bordering the Atlantic Ocean
AU	African Union
BNF	Bureau of National Fisheries
CAADP	Comprehensive Africa Agriculture Development Programme
CBD	Convention on Biological Diversity
CBOs	Community Based Organisations
CCRF	Code of Conduct for Responsible Fisheries
CCS	Catch Certificate Scheme
CECAF	Committee for the Eastern Central Atlantic Fisheries
CEN-SAD	Community of Sahel- Saharan States
CFP	Common Fisheries Policy
CFTA	Continental Free Trade Area
CLSG	Côte d'Ivoire, Liberia, Sierra Leone and Guinea
CMA	Co-Management Association
CPC	Contracting Party, Cooperating non-Contracting Party
cm	Centimetres
DEFRA	Department for Environment, Food and Rural Affairs, United Kingdom
DWFN	Distant Water Fishing Nation
EBA	'Everything But Arms' Regulation
EC	European Commission
ECOWAS	Economic Community of West African States
EDF	European Development Fund
EEAS	European External Action Service
EEZ	Exclusive Economic Zone
EPA	Economic Partnership Agreement
ERA	Ecological Risk Assessment
EU	European Union
EUR	Euro
FAD	Fish Aggregation Device
FAO	Food and Agriculture Organisation
FCWC	Fishery Committee for the West Central Gulf of Guinea
FPA	Fisheries Partnership Agreement
FSCA	The Liberia Food Security through Commercialization of Agriculture Project

GDP	Gross Domestic Product
GNI	Gross national income
HDI	Human Development Index
HP	Horsepower
ICCAT	International Commission for the Conservation of Atlantic Tunas
IEZ	Inshore Exclusive Zone
IMR	Institute of Marine Research
IUU	Illegal, Unregulated or Unreported
LAFA	Liberia Artisanal Fishermen Association
LDC	Least Developed Country
LCG	Liberian Coast Guard
LMA	Liberia Maritime Authority
LPA	Liberia Ports Authority
LRD	Liberian dollar
KM	Kilometre
MCS	Monitoring, Control and Surveillance
mn	Million
MOA	Ministry of Agriculture
MoU	Memorandum of Understanding
MRU	Mano River Union
MSY	Maximum Sustainable Yield
NGO	Non-governmental Organisation
Norad	Norwegian Agency for Development Cooperation
NPCA	NEPAD Planning and Coordination Agency
OPAGAC	Organización de Productores Asociados de Grandes Atuneros Congeladores
ORTHONGEL	Organisation de Producteurs de Thon Congelé
PRS	Poverty Reduction Strategy
RFB	Regional Fisheries Body
SOPs	Standard Operating Procedures
t	tonnes
UKHO	United Kingdom Hydrographic Office
UNCLOS	United Nations Convention on the Law of the Sea
UNDP	United Nations Development Programme
UNMIL	United Nations Mission in Liberia
USD	United States Dollar
WAPP	West African Power Pool
WARFP- Liberia	West Africa Regional Fisheries Project in Liberia

Annex C: consulted organisations and stakeholders

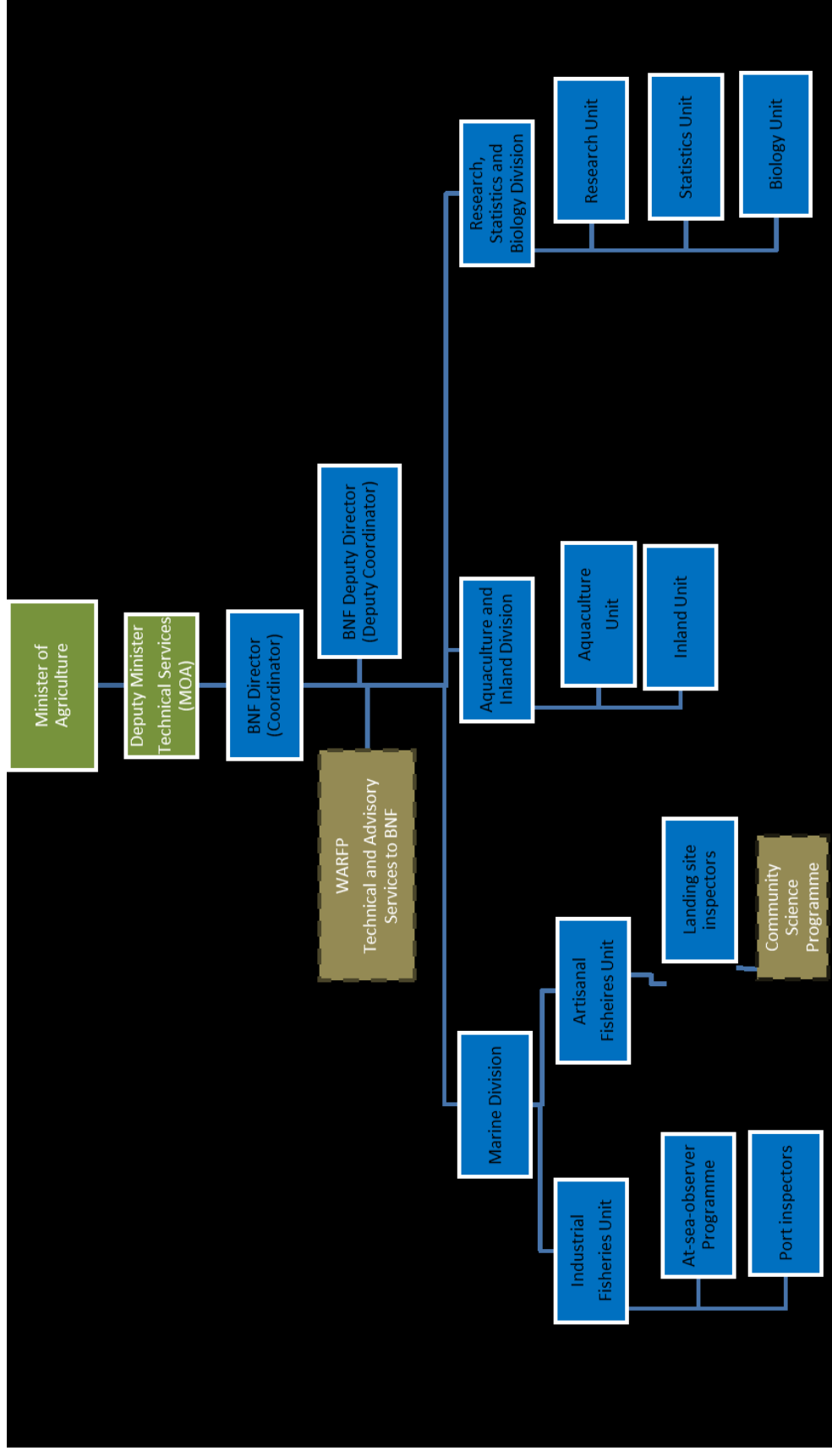
The consultants are grateful to all stakeholders who shared their time, thoughts, information and data with the consulting team which completed this specific contract.

In the EU

Organisation	Department Position
European Commission, DG MARE	F.2. - evaluation and impact assessment, coordination Planning and Programming Officer
	B.3 - Bilateral agreements and fisheries control in international waters Head of Unit, Deputy Head of Unit, International Relations Officer
	D4. Fishing Authorisation and catch data officer
	B.1 .RFMOs
	B.2 Trade
	A.1 IUU
	A: Policy development and coordination - A3: Structural policy and economic analysis
European Commission	DG DEVCO
External services of the European Commission	EEAS
Ministry in charge of Fisheries, Maritime Fisheries and Aquaculture Directorate, France <i>Ministère de l'agriculture, de l'alimentation, de la pêche, de la ruralité et de l'aménagement du territoire (MAAP), Direction des Pêches Maritimes et de l'Aquaculture (DPMA), Sous-direction des Ressources Halieutiques, France</i>	Head of European and International Affairs Unit <i>Bureau des affaires internationales et européennes, Affaires européennes, Chargé de Missions</i>
Ministère en charge de la Pêche, Direction Générale des Pêches et de l'Aquaculture (DGPA), Portugal <i>Ministério da Agricultura, do Mar, do Ambiente e do Ambiente e do Ordenamento de Território, Direcção-Geral das Pescas e Aquicultura (DGPA)</i>	Director of the External Resources Unit / <i>Chefe de Divisão de Recursos Externos</i>
Ministère en charge de de l'Agriculture et de la Pêche, Direction des Ressources Halieutiques et de l'Aquaculture, Espagne / <i>Ministerio de Agricultura, Alimentación y Medio Ambiente (MAGRAMA), Secretaría General de Pesca, D. G. de Recursos Pesqueros y Acuicultura</i>	<i>Sous-secrétariat général des accords et organisations régionales de pêche, Chef de Section Technique, / Sub.Gral. Acuerdos y Organizaciones Regionales de Pesca, Jefe de Sección Técnica</i>

Organisation	Department Position
ANABAC (Professional organisation), Spain	Managing Director
OPAGAC (Professional organisation), Spain	Managing Director
ORTHONGEL (Professional organisation), France	Director

Annex D: organisation chart of the Bureau of National Fisheries, Liberia



Source: Consultants' own compilation

Annex E: schedule 3, section 23 (1) fee schedule for industrial fishing vessels

The following extract is from the 2010 Regulations.

‘The fee for each fishing licence for an industrial fishing vessel shall be established in accordance with the following requirements.

- a) The vessel operator shall provide in writing the estimated vessel value of the expected quantity of target species and bycatch in accordance with the fishing plan submitted pursuant to section 20(1)(c)(ii) and (iii).
 - b) The Coordinator shall, in consultation with Deputy Minister for Revenue of the Ministry of Finance and such regional or international authorities in commercial fish trade as she or he may designate, using relevant values published at regional or international level including by the United Nations Food and Agriculture Organization publication Globefish, determine the vessel value of the expected catch and bycatch.
 - c) The license fee shall constitute 10 % of the vessel value of the catch and bycatch taken during the entire licensing period.
 - d) The vessel operator shall be required to pay one-half of the amount shown in subparagraph (c) prior to the issuance of the license, based on the expected quantity of target species and bycatch submitted in the fishing plan.
 - e) The operator shall comply with all requirements of the Bureau to facilitate estimates of the value of the species landed on a monthly basis.
 - f) The vessel operator shall, before departing the Fisheries Waters or the expiration of the licensing period, whichever is first, pay such remaining fees as are required by the Coordinator in consultation with the Deputy Minister for Revenue of the Ministry of Finance, based on the monthly estimates by the Bureau and such other relevant information it has received which shall be made publicly available in a transparent manner. Such fees shall be fully paid prior to the expiration of the licensing period.’
-