

AN ACT

**TO AMEND TITLE 23, NATURAL RESOURCES LAW,
LIBERIAN CODES REVISED**

**BY REPEALING SUBCHAPTER B, FISH RESOURCES
AND TO AMEND**

**TITLE 30, PUBLIC AUTHORITIES LAW TO CREATE THE
NATIONAL FISHERIES AND AQUACULTURE AUTHORITY**

ARRANGEMENT OF SECTIONS

CHAPTER 1. GENERAL PROVISIONS	2
Section 1.1 Short Title.....	2
Section 1.2 Definitions.....	2
Section 1.3 Application.....	5
CHAPTER 2. OBJECTIVE, GENERAL PRINCIPLES AND POLICY	6
Section 2.1. Objective.....	6
Section 2.2 General principles	6
Section 2.3 National Fisheries and Aquaculture Policy	7
CHAPTER 3. ESTABLISHMENT OF THE AUTHORITY	8
Section 3.1 Establishment of the Authority	8
Section 3.2 Functions of the Authority	8
Section 3.4 Appointment of the Director General	10
Section 3.5 Functions of the Director-General	10
Section 3.6 Appointment of Deputy Director Generals	11
Section 3.7 Functions of the Deputy Director General for Administration	11
Section 3.8 Functions of the Deputy Director General for Technical Services	12
Section 3.9 Vacation from Office	12
Section 3.10 Other staff of the Authority	13
Section 3.11 Establishment, functions, powers and duties of the Board of Directors	13
Section 3.12 Appointment, Membership, and Tenure of the Board	14
Section 3.15 Co-Management Fisheries and Aquaculture Associations.....	14
CHAPTER 4. FISHERIES AND AQUACULTURE CONSERVATION, MANAGEMENT AND SUSTAINABLE USE	15
Section 4.1 Conservation and management measures	15
Section 4.2 Fisheries and Aquaculture Management Plans	15
Section 4.3 Subsistence fishing.....	15
Section 4.4 Artisanal fishing.....	15
Section 4.5 Inshore Exclusion Zone.....	16
Section 4.6 Fishing zones.....	16
Section 4.7 Designation of landing sites and ports	16
Section 4.8 Fisheries & Aquaculture conservation and management measures	16
Section 4.9 Inland fisheries & Aquaculture management.....	16
Section 4.10 Special Management Areas	17
Section 4.11 Collaboration on establishing protected areas for rivers, lakes and wetlands.....	17
CHAPTER 5. REQUIREMENTS FOR ACTIVITIES BY FOREIGN FISHING VESSELS AND PERSONS.....	18
Section 5.1 Fisheries and Aquaculture access.....	18
CHAPTER 6. FINANCIAL PROVISION.....	18
CHAPTER 7. REPEALER, TRANSITIONAL PROVISIONS AND EFFECTIVE DATE	19
Section 7.1 Repealer	19
Section 7.2 Transitional Provision	19
Section 7.3 Effective Date	19

**An Act to Amend Title 23, Natural Resources Law,
Liberian Codes Revised by Repealing Subchapter B, Fish Resources and to
Amend Title 30, Public Authorities Law to Create the National Fisheries
and Aquaculture Authority**

WHEREAS the fisheries and aquaculture resources of the Republic of Liberia are a national asset and part of the heritage of the Republic of Liberia, they should be managed and developed for the benefit of the country as a whole, and especially for those communities whose livelihood depend on these resources;

WHEREAS the Republic of Liberia is endowed with valuable marine and inland fisheries and aquaculture resources which, if developed and managed in a sustainable manner, have the potential to make an enduring and significant contribution to the development, economy and wellbeing of the Nation;

WHEREAS the management and development of sustainable aquaculture for subsistence and commercial purposes will further contribute to the food security and economic wellbeing of the Nation;

WHEREAS the artisanal fisheries sub-sector plays a significant role in securing livelihoods and has the potential to make a greater contribution to food security, poverty alleviation, and the promotion of sustainable development;

WHEREAS the industrial and semi-industrial fisheries sub-sectors have significant economic potential in terms of the generation of licensing and other fees for fishing and related activities, export earnings and as the addition of value through processing and other post harvest activities;

WHEREAS it is necessary to establish an appropriate framework for the formulation of policy and the transparent and accountable management of the fisheries and aquaculture sectors;

WHEREAS there is an ongoing need to comprehensively regulate and control fishing and related activities within the areas under national jurisdiction of the Republic of Liberia to combat illegal fishing and related activities and to enforce applicable conservation and management measures within and beyond the Fisheries Waters in accordance with the laws of the Republic of Liberia and its obligations under regional fisheries management organizations or arrangements and international law;

AND WHEREAS fisheries and aquaculture sectors development must take place in an ecologically sustainable manner in order to not only protect the diversity and availability of fisheries and aquaculture resources for present and future generations, but also to ensure the protection of the wider aquatic environment and marine ecosystems.

NOW THEREFORE, it is enacted by the Senate and the House of Representatives of the Republic of Liberia, in Legislature Assembled:

CHAPTER 1. GENERAL PROVISIONS

Section 1.1 Short Title

This Act shall be cited as the National Fisheries and Aquaculture Act.

Section 1.2 Definitions

Words used in the singular form in this Act shall be deemed to import the plural, and vice versa, as the case may require. For the purposes of this Act, the following definitions apply unless the context otherwise requires:

- 1) "access agreement" means an agreement concluded pursuant to this Act permitting access to the Fisheries Waters for fishing or related activities, and includes an arrangement, international agreement, or other instrument or agreement for that purpose having the force of law;
- 2) "aquaculture" means the cultivation of aquatic animals, plants, and seaweed, in natural or controlled marine or freshwater environments;
- 3) "artisanal fishing" means subsistence or small scale commercial fishing using small fishing vessel.
- 4) "artisanal fishing vessel" means any fishing vessel, canoe or un-decked vessel of not more than fifteen meters which is motorised or un-motorised, powered by an outboard or inboard engine of not more than 40 horsepower, sails or paddles, and is used for artisanal fishing;
- 5) "Association" means a co-management fisheries and aquaculture association established in accordance with this Act and its Implementing Regulations;
- 6) "Authority" means the National Fisheries and Aquaculture Authority of Liberia as established under this Act;
- 7) "Board" means the Board of Directors which serves as the governing body of the Authority established pursuant to this Act;
- 8) "Director General" means the Director General of the National Fisheries and Aquaculture Authority of Liberia appointed pursuant to this Act;
- 9) "export" in relation to fish or fish products means to:
 - (a) send or take out of the Republic of Liberia;
 - (b) receive on account or consignment for the purposes of (a); or
 - (c) carry or transport anything for the purposes of (a), when associated with any buying or selling, or intended buying or selling of the fish or fish products;

- 10) "export facility" means any building or vessel or area in which food is handled, prepared and stored for export purposes, including the surroundings under the control of the same management;
- 11) "fish" means any water-dwelling aquatic or marine animal, alive or not, and includes their eggs, spawn, spat and juvenile stages, and any of their parts, and includes all organisms belonging to sedentary species;
- 12) "fisheries management agreement" means any agreement entered into pursuant to this Act and its Implementing Regulations;
- 13) "Fisheries Waters" means the waters over which the Republic of Liberia exercises jurisdiction or sovereign rights as permitted or declared in relevant national and international laws, and includes all inland Fisheries Waters including all rivers, streams, lakes, lagoons, reservoirs and ponds within the borders of the Republic of Liberia whether permanent or not;
- 14) "fisheries" means:
- (a) one or more stocks of fish, or parts thereof, which can be treated as a unit for the purposes of conservation, development and management, taking into account geographical, scientific, technical, customary, recreational, economic and other relevant characteristics; or
 - (b) any fishing for such stocks;
- 15) "fishery resource" means any fishery, or stock, species, or habitat of fish or part thereof;
- 16) "fishing" means:
- (a) searching for or taking fish;
 - (b) engaging in any activity which can reasonably be expected to result in the locating or taking of fish;
 - (c) placing, searching for or recovering any fish aggregating device or associated equipment including radio beacons;
 - (d) any operation at sea in support of or in preparation for any activity in relation to a any activity described in Paragraphs (a), (b), or (c);
 - (e) any use of an aircraft which is related to any activity described in Paragraphs (a), (b), or (c), except for flights in emergencies involving the health or safety of a crew member of the safety of a vessel,
- but does not include aquaculture or the transportation of fish;
- 17) "fishing vessel" means any vessel used for, equipped to be used for, or of a type that is normally used for, fishing or related activities other than vessels used exclusively for the transportation of items not directly or indirectly related to any activity falling within the scope of this Act and its Implementing Regulations;
- 18) "foreign fishing vessel" means any fishing vessel other than a Liberian fishing vessel;
- 19) "gear" means any equipment, implement or other item that can be used in the act of fishing, including any net, rope, line, float, trap, hook, fish aggregating device, winch, boat, or craft or aircraft carried on board a vessel, or aircraft or vehicle used in association with the act of fishing;

- 20) "Government" refers to the Government of the Republic of Liberia;
- 21) "implementing regulations" means the regulations created or existing used to facilitate the implementation of the provisions of this Act;
- 22) "industrial fishing" means any large-scale fishing or related activities using an industrial fishing vessel;
- 23) "industrial fishing vessel" means a decked fishing vessel with an internal engine or engines of not less than 100 horsepower when combined and that is twenty meters length overall and greater;
- 24) "inland fishing" means fishing in inland waters;
- 25) "inland waters" mean all waters landward of the baseline including lakes, rivers, creeks, streams, estuaries, and their associated wetlands;
- 26) "Inshore Exclusion Zone" means the area of the sea protected for activities pursuant to Section 4.5 of this Act;
- 27) "international conservation and management measure" means a measure to conserve or manage one or more species of fish that is adopted and applied consistently with the relevant rules of international law by any regional fisheries management organization, treaty, agreement or arrangement applicable to the Republic of Liberia;
- 28) "Liberian fishing vessel" means any fishing vessel that is registered and licensed by the Republic of Liberia pursuant to Title 21, Maritime Law, Liberian Codes Revised, and this Act and its Implementing Regulations, that does not hold a registration from another State unless expressly permitted under the laws of the Republic of Liberia;
- 29) "pollution" means the introduction, directly or indirectly, of substances or energy into the marine or aquatic environment which results or is likely to result in deleterious or otherwise harmful effects or impacts on fisheries and aquaculture resources and their habitat, marine environmental quality and related activities;
- 30) "prescribed" means provided in Regulations adopted pursuant to this Act;
- 31) "processing", includes the work of cutting up, dismembering, separating parts of, cleaning, filleting, sorting, packing, loining, icing, freezing, salting, smoking, drying, cooking, canning, pickling or otherwise preserving or preparing fish, and "processed" has a corresponding meaning;
- 32) "public notice" means any notice given in accordance with this Act and the requirements in its Implementing Regulations;
- 33) "recreational fishing" includes fishing activities for the primary purpose of leisure or sport that may or may not involve chartering or buying or selling of the use of a fishing vessel, gear and/or related services,;

- 34) "related activities" includes:
- (a) storing, transshipping, processing or transporting fish or fish products up to the time they are first landed;
 - (b) on-shore storing, buying, or processing fish or fish products from the time they are first landed;
 - (c) refuelling or supplying fishing vessels, selling or supplying fishing equipment or performing other activities in support of fishing operations;
 - (d) exporting fish or fish products from the country; and
 - (e) attempting or preparing to do any of the above;
- 35) "stock" means a species of fish or other marine life that is treated as one unit for purposes of fisheries management;
- 36) "semi-industrial fishing vessel" includes:
- (a) a "decked semi-industrial fishing vessel" with a length overall of not less than 15 meters and not more than 20 meters and that is decked, less than 50 GRT and powered by an inboard or outboard engine or engines of not more than 100 horsepower when combined; and
 - (b) an "undocked semi-industrial fishing vessel" with a length overall of not less than 15 meters and not more than 20 meters, less than 50 GRT and powered by engines of at least 40 horsepower,
- and "semi-industrial fishing" have a corresponding meaning;
- 37) "subsistence fishing" means fishing in the Fisheries Waters by Liberian residents making short fishing trips, close to shore mainly for personal consumption, as opposed to commercial entities;
- 38) "vessel" means any boat, ship, hovercraft or other water going craft, and includes fishing vessels;

Section 1.3 Application

- 1) This Act, unless the contrary intention appears, applies to:
- a. all areas over which the Republic of Liberia exercises jurisdiction or sovereign rights;
 - b. all fishing and related activities and any other activity or matter falling within the scope of this Act and its Implementing Regulations;
 - c. all persons, vessels, vehicles, aircraft, export facilities or other craft or place engaged in or otherwise connected with any activity falling within the scope of this Act and its Implementing Regulations;
 - d. all persons (including non citizens), and all vessels (including foreign vessels):
 - i. in relation to the Fisheries Waters; and
 - ii. in relation to areas beyond national jurisdiction:

1. following hot pursuit initiated in the Fisheries Waters and conducted in accordance with international law; or
 2. as required pursuant to this Act or international conservation and management measures, or permitted by international law or any international agreement; and
- e. all Liberian fishing vessels and all persons on board or dealing with or having any relevant relationship to them or persons on board, in relation to any areas within or beyond national jurisdiction in so far as this is not in conflict with the jurisdiction of another State.

CHAPTER 2. OBJECTIVE, GENERAL PRINCIPLES AND POLICY

Section 2.1. Objective

The objective of this Act shall be to ensure the long-term management, conservation, development and sustainable use of the fisheries and aquaculture resources and related ecosystems for the benefit of the people of the Republic of Liberia.

Section 2.2 General principles

All authorities, responsibilities and functions under this Act and its Implementing Regulations shall be exercised in a manner consistent with the following principles:

- a. all fisheries and aquaculture resources, and its natural habitat of the Republic of Liberia, are the natural assets, heritage, and sovereign rights of the Liberian people. The Government shall exercise jurisdictional and consequential custody of these resources for the benefit of present and future generations;
- b. fisheries and aquaculture resources shall be used sustainably to achieve socio-economic benefits including economic growth, human resource development, employment creation and ecological balance;
- c. management measures shall be based on the best scientific evidence available to maintain or restore stocks at levels capable of producing sustainable yield, as qualified by relevant environmental and economic factors including fishing patterns, the interdependence of stocks and relevant international standards;
- d. the precautionary and ecosystem approaches shall be applied to the management and development of the fisheries and aquaculture at a standard that is equal or superior to agreed international standards, and that take into account the need to conserve habitats and biodiversity;
- e. management measures for fishing and related activities shall minimize:
 - i. wastes, by-catch, discards, regulatory discards, economic discards and catch by lost or abandoned gear;

- ii. pollution originating from fishing vessels or vessels engaged in related activities;
 - iii. negative impact by gear and harvesting methods on the fishery resources; and
 - iv. catch of non-targeted species;
- f. resources shall be allocated consistent with national standards and, among other things, to promote employment and develop the fisheries and aquaculture sectors of the Republic of Liberia;
 - g. the standard of optimum utilisation of resources shall be applied and adapted to value creation, markets and industries in relation to the fisheries and aquaculture sectors;
 - h. the best available data and information concerning activities falling within the scope of this Act as well as fisheries and aquaculture resources shall be collected and shared, in a timely manner, as appropriate;
 - i. over-fishing and excess capacity shall be prevented or eliminated and levels of fishing effort managed so they do not exceed those commensurate with sustainable use of fishery resources;
 - j. customary fishing rights shall be recognised and access for customary fishing ensured;
 - k. the interests of artisanal and subsistence fishers shall be taken into account, including their participation in management of their respective fisheries;
 - l. conservation and management measures, including those agreed by a regional fisheries management organization in which the Republic of Liberia is a member, shall be implemented and enforced through effective monitoring, control and surveillance;
 - m. the Republic of Liberia shall effectively implement international agreements and relevant international law and cooperate effectively with other States and organisations in the management and development of fisheries and aquaculture

Section 2.3 National Fisheries and Aquaculture Policy

- 1) There shall be a National Fisheries and Aquaculture Policy as promulgated by the Director General in consultation with the Board, taking into account the objective and principles of this Act and its Implementing Regulations.
- 2) The Director General shall submit the National Fisheries and Aquaculture Policy to the Cabinet for approval.
- 3) The National Fisheries and Aquaculture Policy shall be reviewed, and as necessary revised at least once every five (5) years.

CHAPTER 3. ESTABLISHMENT OF THE AUTHORITY

Section 3.1 Establishment of the Authority

- 1) There is hereby established the National Fisheries and Aquaculture Authority of Liberia ("Authority"), which shall be responsible for the conservation, management and development of Liberia's fisheries and aquaculture resources in accordance with this Act.
- 2) The Authority shall be an autonomous agency of the Government and shall be under the general supervision and direction of the Director General. The Authority shall be governed by a Board of Directors.
- 3) The Authority shall be a body corporate with perpetual existence and a common seal and shall, in its corporate name, be capable of:
 - a. suing and being sued;
 - b. taking, purchasing, charging and disposing of movable and immovable property, and doing any other act or thing which may or be done by a body corporate.
- 4) The common seal of the Authority shall not be affixed to any instrument except pursuant to a resolution of the Board and the affixing of the seal shall be attested by two members of the Board.
- 5) The Authority shall have its headquarters in Monrovia and may establish such offices in the counties as may be appropriate.

Section 3.2 Functions of the Authority

- 1) The National Fisheries and Aquaculture Authority shall have the following functions and responsibilities:
 - a. manage fisheries and aquaculture activities and promote the conservation, management and sustainable use of the fisheries and aquaculture resources;
 - b. conserve and manage the fisheries and aquaculture environment, including water quality and biodiversity;
 - c. develop and implement plans, policies and strategies within the scope of this Act;
 - d. act on behalf of the Government in relation to any domestic or international agreement or arrangement relating to fisheries, related activities, aquaculture and any other matter falling within the scope of this Act and its Implementing Regulations, including access agreements and fisheries management agreements, to which the Republic of Liberia is or may become a Party;

- e. Responsible for the issuance of licenses, authorizations and accreditations to qualified persons and companies in accordance with this Act and its Implementing Regulations;
- f. collect, analyse and maintain registers, data and information relating to fisheries and aquaculture resources and activities for public reference;
- g. undertake monitoring, control and surveillance as appropriate in collaboration with relevant agencies including cooperation, agreements or arrangements with other States or relevant international, regional or sub-regional organizations;
- h. approve and arrange or facilitate research on any matter within the scope of this Act and its Implementing Regulations, including regionally based cooperative research;
- i. provide training in fisheries and aquaculture and promote the extension of higher education in human resource development in the fisheries and aquaculture sectors;
- j. participate in the planning and execution of projects, programs or other activities related to matters within the scope of this Act and its Implementing Regulations;
- k. raise revenue through fees, fines, investments and other means in accordance with this Act and its Implementing Regulations, including to accept and receive subscriptions, donations, devices and bequests, whether of movable or immovable property and whether absolute or unconditional for the general or special purposes of the Authority or subject to any trust;
- l. have the power to levy fines, receives fees, and any grants, gifts donations or endowments and make legitimate disbursements thereof in the performance of the functions mandated to it by this Act; provided that gifts (of whatever kind or nature), grants donations and endowments shall be strictly of an official nature and shall be deemed the assets of the Authority.
- m. Enter into contracts with other bodies, institutions, organizations and persons, within or outside Liberia as the Authority may consider desirable or appropriate, in effectuation and furtherance of the purposes of which the Authority is established.
- n. facilitate investment in commercial fisheries and aquaculture, in collaboration with relevant agencies, persons or bodies;
- o. liaise as appropriate with stakeholders including national and local level governments and communities, other States, regional and international organizations, institutions, experts and industry representatives on matters falling within the scope of this Act;
- p. establish procedures or regulations necessary for the implementation relative to this Act as well as all aspects of fisheries and aquaculture management;

- q. undertake the development of appropriate fisheries and aquaculture infrastructure, including identifying and promoting construction of any works deemed necessary for the sustainable development and economic utilization of fisheries and aquaculture resources; and
 - r. perform such other functions and responsibilities as may be necessary to carry out the objectives, principles and provisions of this Act and its Implementing Regulations.
- 2) The Director General may establish as approved by the Board, such Committees or other institutional arrangements as may be appropriate to carry out its functions and responsibilities.

Section 3.4 Appointment of the Director General

- 1) On the recommendation of the Board, the President shall appoint a Director- General with the consent of the Senate, who shall hold an advanced degree from a recognized university in:
- a. natural resources or environmental management, development or science;
 - b. fisheries studies, aquaculture studies, including fisheries or aquaculture governance, management, development or science;
 - c. oceanography; or
 - d. any other area which the Board is satisfied is relevant, to the position, and has at least seven years of experience in a senior management position.
- 2) The Director General shall hold office for a term of four (4) years, which may be renewed for one additional term of four (4) years and no more.

Section 3.5 Functions of the Director-General

- 1) The Director-General shall be the Chief Executive Officer responsible for the day to day management of the Authority under the supervision of the Board of Directors.
- 2) Without prejudice to the generality of the foregoing, the Director-General shall:
- a. be responsible for carrying out the functions, managing the affairs and exercising the powers of the Authority;
 - b. ensure the effective and fair interpretation, application and implementation of this Act and its implementing regulations;
 - c. ensure efficient and effective administration of the Authority, including through the preparation of annual budgets and work plans as well as the development strategies for the Authority;

- d. prepare the annual Human Resources Management Plan, for the approval of the Board, to guide the management of the human resources of the Authority;
- e. recommend to the Board the recruitment of competent human resources for the Authority;
- f. identify marketing and investments opportunities for the fisheries and aquaculture sectors;
- g. by directive of the Board, negotiate agreements on behalf of the Authority for the management, conservation, use and exploitation of fisheries and aquaculture resources;
- h. develop and publish such regulations, circulars, and guidelines necessary for the implementation of this Act and the management of fisheries resources; and
- i. perform such other functions as the Board may require from time to time.

Section 3.6 Appointment of Deputy Director Generals

- 1) There shall be established within the Authority two Deputy Director Generals appointed by the President with the consent of the Senate. One deputy director shall be responsible for administration and the other shall be responsible for technical services. They shall assist the Director General in the day to day activities of the Authority. The Deputy Director Generals shall hold comparable qualifications as the Director General.
- 2) The Deputy Director General for Administration shall hold office for a term of four (4) years while the Deputy Director General for Technical Services shall hold office for a term of five (5) years. A Deputy Director General may be reappointed for one additional term of four (4) years and no more.

Section 3.7 Functions of the Deputy Director General for Administration

The Deputy Director for Administration shall:

- a. assist the Director in the day to day administration of the Authority;
- b. handle the administration functions of the Authority in consultation with the Director General and such other staff as may be necessary;
- c. coordinate and ensure the timely preparation and implementation of the institutional capacity building and community mobilization;
- d. assist the Director General to prepare an annual work program and updated budget, procurement plan and monitoring and evaluation plan for approval annually

- e. maintain necessary documentation and accounts giving the detailed facts of all expenditures related to the Authority.
- f. also perform such other functions as may be delegated to him by the Director General.

Section 3.8 Functions of the Deputy Director General for Technical Services

The Deputy Director for Technical Services shall:

- a. assist the Director General in coordinating and working with relevant ministries, local government authorities and institutions, international agencies, non-governmental organizations, community-based organizations and local communities in order to ensure the smooth execution of the Authority's activities;
- b. shall be the principal deputy and shall act in his absence and such other period when the Director General becomes temporarily incapacitated;
- c. ensure the proposed project activities within the Authority are screened against environmental guidelines in order to identify those classified environmental impact assessment (EIA) category B for further review and monitoring of the implementation of the appropriate mitigation measures;
- d. in coordination with the Director General supervise technical activities of the Authority, including fisheries and aquaculture field activities in the counties and other pilot sites and ensure that monitoring is carried out efficiently, rapidly, and in a transparent manner;
- e. participate in all fisheries and aquaculture project reviews;
- f. in consultation with the Human Resource Department recruit specialists as needed and prepare the terms of reference for key consultant services to be recruited through the project;
- g. ensure constant communication and feedback from staff on project implementation and progress;
- h. perform such other functions as may be delegated to him by the Director General.

Section 3.9 Vacation from Office

- 1) **Resignation.** Notwithstanding the fixed tenure of service, a Director General or his Deputies may resign his or her office upon due written notice to the President. The

resignation shall take effect as of the date of receipt or acknowledgement of the letter of resignation by the President.

- 2) **Removal.** The President shall, on the recommendation of the Board, remove a Director General or Deputy Director General from Office for good and sufficient cause stated therein, including prolonged sickness or absence, conviction of a felony or misdemeanor, or being otherwise unable or unfit to discharge the duties of his/her office.
- 3) **Death.** The President shall nominate someone to fill the vacancy created by the death of a Director General or Deputy Director General within sixty days, provided however, that the person filling the vacancy shall only serve the unexpired term, but may upon the expiration of the unexpired term be nominated for a full term to the position.
- 4) **Procedure for Appointment to Vacancy.** The same procedures for appointment shall apply to the filling of any vacancy created by reason of any of the factors listed above.

Section 3.10 Other staff of the Authority

- 1) The Director General on the advice and approval of the Board may establish such other departments, divisions, sections and units, as may be necessary for the day to day management of the Authority.
- 2) The Director General, as necessary for the proper and effective performance of the functions of the Authority, shall implement a competitive employment process.

Section 3.11 Establishment, functions, powers and duties of the Board of Directors

- 1) There shall be a Board of Directors of the Authority, which shall have the following functions:
 - a. establish and adopt the necessary policies and procedures to ensure the efficient functioning of the Authority;
 - b. provide general control over and be accountable to the President for the exercise of the functions and powers of the Authority;
 - c. provide guidance to the Director General on all matters pertaining to the conservation, management, development, and sustainable use of fisheries and aquaculture resources;
 - d. provide recommendations to the Director General for overall policy in matters within the scope of this Act and its Implementing Regulations;
 - e. shall review and approve recommendations from the Director General on proposed Access Agreements under this Act and its Implementing Regulations.

- f. approve the annual budget, financial plan, and Human Resources Management Plan of the Authority and otherwise provide oversight for all financial matters;
- g. endorse the required annual reports of the Authority and perform such other duties as may be provided in this Act and its Implementing Regulations.

Section 3.12 Appointment, Membership, and Tenure of the Board

- 1) The President shall appoint nine (9) persons as members of the Board of the Authority based on their integrity, gender, knowledge, expertise, and experience. Non statutory members of the Board shall hold office for a period of four years. All non-statutory members of the Board shall be appointed by the President with the consent of the Senate.
- 2) The members of the Board of Directors shall consist of:
 - a. The Minister of Agriculture who shall also be the chairperson of the Board and heads of agencies or their designee from:
 - i. Ministry of National Defense
 - ii. Ministry of Finance and Development Planning
 - iii. Ministry of Commerce & Industry
 - iv. Liberia Maritime Authority
 - b. Four (4) members selected from the public.
 - c. The Director General shall serve as ex-officio and Secretary of the Board but shall have no voting rights.

Section 3.13 Governance of the Board of Directors

Upon the constitution of the Board of Directors, the Board shall meet to formulate policies and procedures to govern the activities of the Authority consistent with this Act.

Section 3.14 Board Fees, Remuneration and Allowances

- 1) Members of the Board selected from the public shall receive Board remuneration as are approved in the Authority's annual budget in accordance with the policy of the Government.
- 2) Statutory members of the Board shall not be entitled to Board remuneration.

Section 3.15 Co-Management Fisheries and Aquaculture Associations

Co-Management Fisheries and Aquaculture Associations ("Association") may be established in accordance with this Act and its Implementing Regulations for the purpose of exercising rights and responsibilities within a designated area relating to information and decision-making for fisheries and aquaculture conservation, management and sustainable use.

CHAPTER 4. FISHERIES AND AQUACULTURE CONSERVATION, MANAGEMENT AND SUSTAINABLE USE

Section 4.1 Conservation and management measures

- 1) In giving effect to its responsibilities for fisheries and aquaculture conservation and management pursuant to this Act and its Implementing Regulations, the Authority shall develop, recommend to the Board of Directors, implement, monitor and enforce conservation and management measures necessary to ensure the long-term sustainable use of fisheries and aquaculture resources in accordance with the principles for fisheries and aquaculture management set out in this Act.
- 2) Conservation and management measures shall be developed, to the extent possible, taking into account consultations with stakeholders, and may be implemented *inter alia* through Fisheries and Aquaculture Management Plans, regulations, public notice, as a condition of licence, in writing, or otherwise as provided in this Act.

Section 4.2 Fisheries and Aquaculture Management Plans

The Director General shall draw up Fisheries and Aquaculture Management Plans consistent with the objective and principles of this Act for any fishery or area in the Fisheries Waters and shall ensure consultation with relevant stakeholders in the development of each Plan.

Section 4.3 Subsistence fishing

- 1) Liberian citizens and persons who are entitled to reside and work in Liberia may undertake subsistence fishing within the Fisheries Waters.
- 2) The Authority may, by public notice, prohibit subsistence fishing in specified areas where it is necessary for reasons of health, environmental protection or fisheries conservation and management.
- 3) Any person who undertakes subsistence fishing, except in accordance with subsection (1) or in contravention of a public notice issued pursuant to subsection (2), commits an offence and shall be liable for a fine not exceeding the maximum amount described in the Implementing Regulation.

Section 4.4 Artisanal fishing

- 1) Artisanal fishing may be undertaken only by Liberian citizens and persons who are entitled to reside and work in Liberia pursuant to regional and international agreements to which Liberia is party or has consented to, and who hold a valid and applicable artisanal fishing license and artisanal fishing vessel registration issued in accordance with applicable Liberian laws or international laws to which the Republic is a Party.

- 2) Any person who undertakes artisanal fishing except in accordance with subsection (1) or in contravention of a public notice issued pursuant to subsection (1) commits an offence and shall be liable for a fine not exceeding the maximum amount described in the Implementing Regulation.

Section 4.5 Inshore Exclusion Zone

The Inshore Exclusion Zone shall be reserved solely for the use of subsistence, artisanal and semi-industrial fishing activities in line with this Act and its Implementing Regulations.

Section 4.6 Fishing zones

The Authority may, in accordance with the objective and principles of this Act, by public notice establish aquaculture, marine and inland fishing zones based upon, *inter alia*: vessel size; engine use; engine size or horsepower; fishing gear; the period and/or duration of the fishing trip; and/or other criteria it deems appropriate, and shall ensure that such zones comply with the requirements of this Act and its Implementing Regulations relating to the Inshore Exclusion Zone.

Section 4.7 Designation of landing sites and ports

- 1) The Authority shall designate landing sites for use by local fishing vessels and ports for use by all industrial fishing vessels and all foreign fishing vessels, and shall give public notice of such designations.
- 2) Landing sites designated in accordance with subsection (1), together with related land, buildings and facilities shall be used principally for fisheries purposes including the landing of fish from fishing vessels including fish transport vessels, as well as the onward processing and sale of such fish.

Section 4.8 Fisheries & Aquaculture conservation and management measures

Fisheries & Aquaculture conservation and management measures may be prescribed or imposed by public notice in accordance with this Act and its Implementing Regulations.

Section 4.9 Inland fisheries & Aquaculture management

The Authority shall develop strategies and, as appropriate, Fisheries & Aquaculture Management Plans, guidelines and regulations for the application of license, conservation, management and sustainable use of fisheries and aquaculture occurring in the inland waters of the Republic of Liberia.

Section 4.10 Special Management Areas

- 1) The Authority, in consultation with the Forestry Development Authority, Environmental Protection Agency, Land Authority, Liberia Maritime Authority, Ministry of Foreign Affairs, Ministry of Justice and Ministry of Defence as appropriate, may, with the objective of conservation, management, and sustainable use of fisheries and aquaculture resources, by Notice in the *Gazette*, declare any area of the Fisheries Waters and adjacent areas, including protected areas under any other laws, to be Special Management Areas for the purpose of:
 - a. implementation of conservation and management measures;
 - b. protecting or regenerating fisheries and aquaculture resources and marine ecosystems including breeding grounds and flora or fauna under threat of extinction;
 - c. promoting scientific study and research;
 - d. preserving and enhancing the natural beauty of such an area;
 - e. community co-management;
 - f. promoting sustainable livelihoods for local fishing communities; and/or
 - g. other purposes in accordance with the objectives and principles of this Act.
- 2) The notice declaring the Special Management Area shall specify the area, boundaries, purpose, objective, mandate for total or partial regulation, management measures, decision-making responsibilities, procedures for the coordination of stakeholders, procedures for conflict resolution, procedures for monitoring and review, and fines and penalties.

Section 4.11 Collaboration on establishing protected areas for rivers, lakes and wetlands

- 1) The Authority may consult with the Environment Protection Agency pursuant to Environmental Protection and Management Law of the Republic of Liberia to promote the issuance of guidelines and prescription of measures for the protection of rivers, lakes, and wetlands.
- 2) The Authority may, in collaboration with the Environment Protection Agency and after consultations with the Board and relevant communities, propose that any area of a river, lake or wetlands be declared a Protected Area in accordance with the Environmental Protection and Management Law of the Republic of Liberia.

CHAPTER 5. REQUIREMENTS FOR ACTIVITIES BY FOREIGN FISHING VESSELS AND PERSONS

Section 5.1 Fisheries and Aquaculture

- 1) The Director General may, on behalf of the Government of the Republic of Liberia and in accordance with the provisions of this Act, other applicable laws, any applicable international agreement and national policies, including regulations and strategies, and taking into account the advice of the Board, permit access to foreign fishing vessels in the Fisheries Waters for fishing or fishing related activities.
- 2) Fisheries and Aquaculture access may be granted, and licences or authorizations may be issued in accordance with subsection (1).

CHAPTER 6. FINANCIAL PROVISION

- 1) The Authority shall prepare an annual budget which shall be approved by the Board with the consent of the Minister of Finance and Development Planning in consultation with the Legislature.
- 2) The Authority shall not spend monies beyond its approved budget without proper authorization from the Board and the Minister of Finance and Development Planning in consultation with the Legislature;
- 3) The Authority shall be funded with monies collected from its activities that will be deposited into a transitory account managed by the Authority and the Ministry of Finance and Development Planning and distributed as follows:
 - a. For the first five (5) years the ratio of distribution shall be sixty percent (60%) to the Authority and forty percent (40%) to the Government;
 - b. For the next five (5) years the ratio shall be fifty percent (50%) for the Authority and fifty percent (50%) for the Government; and
 - c. Thereafter, the ratio shall be forty percent (40%) for the Authority and sixty percent (60%) for the Government.
- 4) The monies of the Authority shall be expended in accordance with this Act, with authorization from the Board and the Minister of Finance and Development Planning in consultation with the Legislature for payments for the operations and activities of the Authority, including the following:
 - a. discharge of expenses, obligations and liabilities of the Authority;
 - b. the remuneration for the staff of the Authority and for allowances to the members of the Board;

- c. contracts for technical consultants, observers, researchers and other personnel, activities or operations which support the functions and programs of the Authority;
- d. travel expenses relating to official business;
- e. training and education courses or programs for purposes relating to the objectives, functions and programs of the Authority;
- f. financial assistance for management and development activities in the Counties consistent with the functions of the Authority;
- g. grants to institutions, agencies, associations or other organizations for the purpose of promoting fisheries conservation and management;
- h. rewards for information leading to convictions for offences under this Act and the implementing regulations in accordance with such requirements as may be prescribed;
- i. purchase of capital items necessary to carry out the functions and duties of the Authority;
- j. contributions to donor aid projects as agreed with the donor agency; and
- k. The Authority may make such investments as the Board may approve.
- l. such other purposes as are consistent with the functions and powers of the Authority as the Board, after consultation with the Director-General, shall determine.

CHAPTER 7. REPEALER, TRANSITIONAL PROVISIONS AND EFFECTIVE DATE

Section 7.1 Repealer

From and immediately upon publication of this Act, Title 23, Natural Resources Law, Sub Chapter B - Fish Resources, is hereby repealed.

Section 7.2 Transitional Provision

From and immediately upon publication of this Act and the establishment of the Authority, Executive Order No. 84 pertaining to the management of the Liberia Fisheries Resources shall cease to have any legal effect.

Section 7.3 Effective Date

This Act shall take effect immediately upon publication into handbill.

ANY LAW TO THE CONTRARY NOTWITHSTANDING.

-2017-

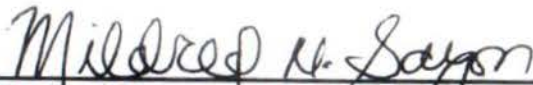
**SIXTH SESSION OF THE FIFTY-THIRD LEGISLATURE OF
THE REPUBLIC OF LIBERIA**

HOUSE'S ENGROSSED BILL NO. 27 ENTITLED:

**"AN ACT TO AMEND TITLE 23, NATURAL RESOURCES LAW,
LIBERIAN CODES REVISED BY REPEALING SUBCHAPTER B,
FISH RESOURCES AND TO AMEND TITLE 30, PUBLIC
AUTHORITIES LAW TO CREATE THE NATIONAL FISHERIES
AND AQUACULTURE AUTHORITY"**

On motion, Bill read. On motion, the Bill was adopted on its first reading and sent to Committee Room on Tuesday, July 18, 2017 @ 13:40 G.M.T.

On motion, the Bill was taken from Committee Room for its second reading. On motion, under the suspension of the rule, the second reading of the Bill constituted its third and final reading, and the Bill was adopted, passed into the full force of the law, and ordered engrossed today, Thursday, August 17, 2017 @ 14:52 G.M.T.



CHIEF CLERK, HOUSE OF REPRESENTATIVES, R.L.

-2017-

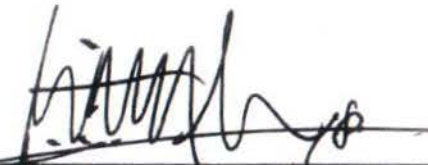
**SIXTH SESSION OF THE FIFTY-THIRD LEGISLATURE OF
THE REPUBLIC OF LIBERIA**

SENATE'S ENDORSEMENT TO HOUSE'S ENGROSSED BILL
NO: 27 ENTITLED:

**"AN ACT TO AMEND TITLED 23, NATURAL RESOURCES LAW,
LIBERIAN CODES REVISED BY REPEALING SUBCHAPTER B,
FISH RESOURCES AND TO AMEND TITLE 30, PUBLIC
AUTHORITIES LAW TO CREATE THE NATIONAL FISHERIES
AND AQUACULTURE AUTHORITY"**

On motion, Bill read. On motion, the Bill was adopted on its first reading and sent to Committee Room on Tuesday, August 29, 2017 at the hour of 15:55 G.M.T.

On motion, Bill taken from the Committee Room for its second reading. On motion, under the suspension of the rule, the second reading of the Bill constituted its third and final reading and the Bill was adopted, passed into the full force of the law and ordered engrossed today, Tuesday, August 29, 2017 at the hour of 16:15 G.M.T.



SECRETARY, LIBERIAN SENATE, R.L.

-2017-

ATTESTATION TO:

"AN ACT TO AMEND TITLE 23, NATURAL RESOURCES LAW, LIBERIAN CODES REVISED BY REPEALING SUBCHAPTER B, FISH RESOURCES AND TO AMEND TITLE 30, PUBLIC AUTHORITIES LAW TO CREATE THE NATIONAL FISHERIES AND AQUACULTURE AUTHORITY"

VICE PRESIDENT OF THE REPUBLIC OF LIBERIA/
PRESIDENT OF THE SENATE

SECRETARY, LIBERIAN SENATE

SPEAKER, HOUSE OF REPRESENTATIVES, R.L.

CHIEF CLERK, HOUSE OF REPRESENTATIVES, R.L.



THE HONORABLE HOUSE OF REPRESENTATIVES

Capitol Building
P. O. Box 9005
Monrovia, Liberia
Website: www.legislature.gov.lr



-2017-

SIXTH SESSION OF THE FIFTY-THIRD LEGISLATURE OF THE REPUBLIC OF
LIBERIA

SCHEDULE OF HOUSE'S ENROLLED BILL (SCHEDULE)

"AN ACT TO AMEND TITLE 23, NATURAL RESOURCES LAW, LIBERIAN
CODES REVISED BY REPLACING SUBCHAPTER B, FISH RESOURCES
AND TO AMEND TITLE 36, PUBLIC AUTHORITY LAW TO CREATE THE
NATIONAL FISHERIES AND AQUACULTURE AUTHORITY"

PRESENTED TO THE PRESIDENT OF THE REPUBLIC OF LIBERIA FOR EXECUTIVE
APPROVAL

APPROVED THIS

9th

DAY OF

OCTOBER

2017

AT THE HOUR OF

12:40 P.M.

George Weah

THE PRESIDENT OF THE REPUBLIC OF LIBERIA