



IMO

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SAFETY OF FISHING VESSELS ACT

“AN ACT TO AMEND CHAPTER FOUR OF TITLE 21 OF THE LIBERIA CODES OF LAWS REVISED AND TO ADD A NEW SUBCHAPTER THREE TO INCORPORATE THE CAPE TOWN AGREEMENT OF 2012 ON THE IMPLEMENTATION OF THE PROVISIONS OF THE TORREMOLINOS PROTOCOL OF 1993 RELATING TO THE TORREMOLINOS INTERNATIONAL CONVENTION FOR THE SAFETY OF FISHING VESSELS, 1977 INTO THE LAWS OF LIBERIA AND TO PROVIDE FOR THE EFFECTIVE IMPLEMENTATION THEREOF”

A Legislation Drafting Project submitted in partial fulfillment of the requirements for the award of the Degree of Master of Laws (LL.M.) in International Maritime Law at the IMO International Maritime Law Institute

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SAFETY OF FISHING VESSELS ACT

EXPLANATORY NOTE

1. INTRODUCTION

Fisheries worldwide is the livelihoods for millions of coastal inhabitants and contribute to economy of many nations. It provides a safety net for the poorest of the world, including cash income and nutrition. Fisheries, when well-regulated, supports the well-being of nations through employment in fishing, processing and ancillary services, as well as through subsistence-based activities at the grass-root level.¹ One hundred and forty-four of the world's nations possess marine fisheries that provide jobs for local and foreign workers. A 2008 World Bank Report on Fisheries estimated that in 2004, 41 million full-time or part-time fisheries workers worldwide.² There are an additional of 123 million people who are indirectly engaged in activities secondary to fisheries, which culminates into 8% of the world's population.³ For the vast majority of residents of developing countries, fisheries accounts for an integral part of food security and nutrition, constituting an important source of nutrients for the poor, and often being the cheapest form of animal protein.⁴ Apart from employment and nutrition, fisheries is a driver of the world's production and trade, as well as immensely propelling the achievement of the Sustainable Development Goals.

Commercial fishing is inherently perilous and the need to minimize the danger of the practice is inescapable. The International Labour Organization (ILO) estimated in 1999 that 24,000 people die every year in the fishing sector, more than 10 times the number on merchant ships.⁵ Reports show that fishing crews on the high seas, or outside a flag State's national jurisdiction, are predominantly and increasingly comprised of migrant workers who are more susceptible to exploitation by operators.⁶ They may be at sea for months at a time and are often isolated because they do not speak the language of the other crew members or skipper. In such circumstances, fishers often lack a way to report violations of safety standards on their vessels. Some of these

¹ Teh, C and Sumaila, U.R. (2011) *Contribution of Marine Fisheries to Worldwide Employment* (Published). Fish and Fisheries Center, University of British Columbia, Vancouver, Canada.

² Ibid

³ http://www.fao.org/fileadmin/user_upload/legal/docs/037t-e.pdf accessed January 13, 2021

⁴ Finegold, C. (2009). The importance of fisheries and aquaculture to development. p. 353-364. In: Wramner, P. ; Cullberg, M. ; Ackefors, H. (eds.) *Fisheries, sustainability and development*. The Royal Swedish Academy of Agriculture and Forestry, Stockholm.

⁵ International Commercial Fishing Management Regime Safety Study: Synthesis of Case Report (2016), FAO Fisheries and Aquaculture Circular available online www.fao.org/publications/1073/en.

⁶ <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2018/10/the-cape-town-agreement-explained>, accessed January 13, 2021.

migrant workers, according to many international investigations, are being tricked with false promises of jobs on land, but end up toiling in abhorrent working conditions on board unsafe fishing vessels roaming the high seas.⁷

i. Earlier Efforts on The Safety of Fisheries

There have been notable and concerted international efforts invested in identifying the challenges and risks faced by crews of commercial fishing vessels and the call for action has grown over the years. Coupled with such calls for action, international organizations, mainly the IMO, have developed and adopted conventions to cure the menace of commercial fisheries. Key to these conventions are the following:

ii. Precursor to the Cape Town Agreement: Torremolinos International Convention for the Safety of Fishing Vessels, 1977 and the Protocol Relating to the Torremolinos Convention for the Safety of Fishing Vessels, 1993

The earliest notable efforts aimed at the legality and safety of fishing operations was the Torremolinos International Convention for the Safety of Fishing Vessels,⁸ adopted by the IMO in 1977. The Torremolinos International Convention encountered extreme difficulties in implementation by a number of States with substantial fishing fleets under their flags and such difficulties prevented its entry into force, and consequently the implementation of the regulations contained therein. Still being passionate about establishing a common agreement with the highest practicable standards for the safety of fishing vessels which can be implemented by all States concerned, the IMO in 1993 adopted the 1993 Protocol Relating to the Torremolinos Convention for the Safety of Fishing Vessels.⁹ Again, it was determined that the practicability of the implementation of the Torremolinos Protocol of 1993 was elusive, hence, the Cape Town Agreement on the Implementation of the Torremolinos Protocol of 1993 Relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977 (CTA), was adopted in 2012 by the IMO.¹⁰

⁷ Ibid

⁸ The 1977 Convention was adopted on April 2, 1977.

⁹ Preamble of the Torremolinos Protocol, 1993.

¹⁰ Ibid

iii. The International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995 (STCW-F 1995) enters into force on 29 September 2012.

The STCW-F Convention sets the certification and minimum training requirements for crews of seagoing fishing vessels of 24 metres in length and above. The Convention consists of 15 Articles and an annex containing technical regulations. This Convention contributes to the protection of fishers, safer international shipping, and protection of the marine environment by promoting the safety of life and property at sea. With fishing at sea being one of the most hazardous and perilous professions, and fishing vessels and their crew being consistently faced with the same hazards and risks in the open seas as merchant vessels, it became prudent to set standards for training and qualifications for fishers in order to minimize accidents and enhance safety and security of the crew on board fishing vessels.¹¹ The STCW-F Convention also significantly contributes to the free movement of workers. It gives fishers the opportunity to work onboard of fishing vessels of any Member States to the Convention. Therefore, the harmonization of their qualifications by the introduction of a common minimum level of training for fishing vessels personnel is pivotal to the improvement of safety at sea. Prior to the entry into force of the STCW-F workers onboard fishing vessels were not protected in the same way as seafarers in the merchant shipping sector, which fall under the almost identical International Convention on Standards of Training, Certification and Watchkeeping for Seafarers of the IMO (STCW Convention).¹²

This Explanatory Note seeks to discuss the CTA in terms of its origin and anatomy, including the benefits Liberia stands to accrue were the Agreement to be acceded to by the country. The Note also advances a methodology by which the CTA could be incorporated into Liberian laws for effective implementation through ratification. It is expected that the Note will inform and persuade the legislature to domesticate the CTA by enacting the relevant legislative instrument for adequate implementation and enforcement in Liberia.

¹¹ Report of the Commission to the Council on the progress of member states' accession to the STCW-F 2015/799. <https://eur-lex.europa.eu/legal-content>. Accessed January 13, 2021.

¹² Ibid

2. THE CAPE TOWN AGREEMENT

As mentioned supra, the CTA is a product of several years of efforts by the IMO to provide effective regulations for commercial fishing vessels in a manner that ensures the safety of vessels and crews. It is the composition of the failed Torremolinos International Convention and its 1993 Protocol. The CTA is premised on the achievements of the IMO Conventions for the Safety of Life at Sea (SOLAS) and the Convention on Load Lines which promote the safety of merchant ships. Recognizing that fishing vessels are largely exempted from the requirements of these international conventions, the CTA provides for safeguards to promote the safety of fishing vessels by prescribing measures i.e. for certification and handling of casualties from fishing vessels. The CTA seeks to facilitate better control of fishing vessel safety by flag, port, and coastal States by setting minimum requirements on the design, construction, equipment, and inspection of fishing vessels of 24 meters in length and over or equivalent in gross tonnage. Upon its entry into force, the CTA will empower port States to carry out safety inspections that could be aligned with fisheries and labor agencies, to ensure transparency of fishing and crew activities.¹³ Mirroring SOLAS, the CTA sets minimum safety measures for fishing vessels and calls for harmonizing fisheries, labor, and safety inspections.

The CTA will enter into force once 22 States with a combined 3,600 eligible fishing vessels ratify or accede to it. The technical requirements of the CTA i.e. construction, stability, machinery, fire safety, crew protection, and the lifesaving appliance, respectively, are applicable to new vessels. Some of the requirements, such as emergency procedures, radiocommunication, and navigational equipment, respectively, are applicable to existing vessels as well. The CTA allows for States to delay compliance with certain requirements for a period of time. For instance, it may take up to 10 years for the Radiocommunication Regulations to become effective (depending on the progressive implementation plan submitted by the State concerned at the time of ratification or accession to the agreement). The idea is to give States enough time to prepare to meet up these requirements.

Furthermore, a Party may exempt vessels for want of unreasonableness of the CTA or if the vessels are only fishing in its EEZ. Such exemption must be evidenced by an Exemption Certificate in order to notify other State Parties when enforcement actions, consistent with the CTA, arise. Inspection is key to achieving the desired safety of the CTA. Vessels' design,

¹³ 2012 Cape Town Agreement (Made Simple) available on safety4sea.com/wp-content/uploads/2020/10

construction, and equipment are inspected and surveyed by Port State and Flag State (directly or indirectly), with equipment and machinery inspected and surveyed every five years.

The CTA compartmentalizes fishing vessels into three categories based on a vessel's size: 24-45 meters, 45-60 meters, and more than 60 meters, and provides further requirements directed at ensuring that vessels remain watertight, weathertight, strong, and stable, even under adverse conditions such as ice and extreme weather. Other guidance covers safe spaces for the crew, sufficiency, and availability of lifesaving appliances, radiocommunication with the capability of conveying and receiving search and rescue information, distress signals, etc. Fishing vessels below 24 meters and fishing vessels only operating within a State Party EEZ are exempted. Such vessels are subject to national laws.

i. Overview of the Provisions of the Cape Town Agreement

The CTA is comprised of its own provisions as adopted in Cape Town in 2012 and the 1993 Torremolinos Protocol¹⁴ and the Regulations thereto and the Regulations of the 1977 Torremolinos Convention as amended by the Agreement. In order to understand the CTA in detail, it is pertinent to discuss the provisions of the CTA.

Apart from the incorporation of the 1977 Convention along with its Regulations, and the 1993 Protocol along with its Regulations, the CTA as adopted, has on its face just four (4) Articles. Article 1, entitled the "General Obligations", spells-out and outlines the inclusion of the 1993 Protocol with certain exclusion, and the incorporation of the 1977 Convention and its Regulations. Article 1 reads:

(1) *"The Parties to this Agreement shall give effect to the provisions of:*

(a) *the articles of this Agreement; and*

(b) *the Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977 (hereinafter referred to as the "1993 Torremolinos Protocol"), with the exception of article 1, paragraphs (1)(a), (2) and (3), article 9 and article 10 of that Protocol, as modified by this Agreement.*

¹⁴ The CTA excludes Article 1 paragraph 1(a), 2 and 3, Article 9 and 10 of the 1993 Torremolinos Protocol.

(2) *The articles of this Agreement, articles 2 to 8 and 11 to 14 of the 1993 Torremolinos Protocol, the regulations in the annex to the 1993 Torremolinos Protocol, and the regulations in the annex to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977 (hereinafter referred to as the "1977 Torremolinos Convention"), shall, subject to the modifications set out in this Agreement, be read and interpreted as a single instrument.*

(3) *The annex to this Agreement shall constitute an integral part of the Agreement and a reference to this Agreement shall constitute at the same time a reference to the annex thereto."*

From the provision quoted above, one can see clearly that the CTA incorporates the 1993 Torremolinos Protocols and its Regulations in its entirety, except for Article 1 paragraph 1(a), 2 and 3, Article 9 and 10 thereof. Article 1 paragraph 1 (a) is under the "General Obligations" of the 1993 Protocol and states that the articles of the Protocol constitute part of the Convention. Article 1 paragraph 2 speaks to the incorporation of both the articles and regulations annexed to the 1977 Convention, subject to the modifications as set out in the annex to the Protocol, and to are to be read and interpreted as one single instrument. Article 1 paragraph 3 speaks to the incorporation of the annex of the 1993 Protocol as part of the Protocol. Article 9 speaks to signature, modification, acceptance, approval and accession, while Article 10 speaks to how the Protocol would enter into force.

Having explained the Provisions of the 1993 Protocol which are excluded from the CTA, it is prudent to also succinctly discuss the provisions of the 1993 Protocol that are incorporated in the CTA. Article 1 of the CTA states that Articles 2 through 8, and 11 through 14 of the 1993 Protocol, along with the regulations of the Protocol are now or are part and parcel of the CTA.

The incorporated Articles, to a large extent provide the actual structure of the CTA. They were mainly incorporated in such manner to prevent the duplication of terms and conditions that have already been agreed upon by State parties, especially on the same subject. For instance, the CTA incorporated Article 2 of the 1993 Protocol, which is the definition of terms used in the 1993 Protocol. It also incorporated Article 3, "Application", which means the CTA is applicable to whatever and whoever the Protocol was applicable to. It adopted the same provisions on Certification and Port State Control; Force Majeure conditions; mode of Communication of Information; the same obligation to investigate casualties and report to the IMO; and the same

deference to other treaties. The amendments, denunciation, and deposit procedures are also a replica of the Protocol.¹⁵

The CTA also made reference to the incorporation of regulations, both from the 1993 Protocol¹⁶ and the 1977 Conventions. As a result of this incorporation, the CTA now has several Regulations covering different aspects of fishing vessels aimed at ensuring safety.

ii. Overview of the Annex to the Cape Town Agreement

The annex to the CTA comprises of ten Chapters prescribing several regulations, under the title, Regulation for the Construction and Equipment of Fishing Vessels.

Chapter I: General Provision

This chapter has seventeen (17) Regulations and applies to new vessels and provides a measurement in which gross tonnage can be calculated and used in place of various length.

Regulation 2 defines the operational terms and defines “new Vessels” as: (a) the building or major conversion contract is placed; or (b) the building or major conversion contract has been placed before the date of entry into force of the present Protocol, and which is delivered three years or more after the date of such entry into force; or (c) in the absence of a building contract: (i) the keel is laid; or (ii) construction identifiable with a specific vessel begins; or (iii) assembly has commenced comprising at least 50 tonnes or 1 per cent of the estimated mass of all structural material, whichever is less. Other terms define are “crew”, “Existing Vessel”, “Length”, etc.

Regulation 3 deals with exemption of the application of the Regulations. It grants the State Party the option to exclude vessels of novel kind in the application of the Regulations, especially with respect to the application of chapters II, III, IV, V, VI and VII, the application of which might seriously impede research into the development of such features and their incorporation in vessels. It also allows a State Party to exempt any vessel entitled to fly its flag from any of the requirements of this annex, if it considers that the application is unreasonable and impracticable in view of the type of vessel, the weather conditions and the absence of general navigational hazards, though with specific restrictions, conditions, limitations or other requirements precedents.

¹⁵ See Articles 2 to 8 and 11 to 14 of the 1993 Torremolinos Protocol

¹⁶ The 1993 Protocol incorporated regulations of the 1997 Conventions with modifications.

Regulation 4 deals with Equivalents, granting State parties the latitude to substitute express specification of equipment in the Regulation with materials it deems fit for the same purpose.

Regulations 5 focuses on repairs, alterations and modification. It states that where a vessel undergoes a repair, alteration and modification, such vessels shall comply with the same requirements it once complied with. However, if the repair, alteration or modification is of a major character, then the vessels must comply with the requirement of the new vessels though only to the extent of the changes.

Regulation 6 is Inspection and Survey. It states that any inspection and survey of vessels regarding the enforcement of the Regulations as well as the exemption therefrom, shall be carried out by officers of the Administration or agents of the Administration entrusted to carry-out such inspection and survey.

Regulation 7 deals with survey of life-saving appliances and other equipment. It provides for initial survey before being put into use, and continuous surveys at various intervals.

Regulation 8 is Surveys of Radio Installations. It also provides for initial survey before the vessel being put into use and continuous surveys at various intervals. This is similar to Regulation 9, Surveys of structure, machinery and equipment.

Regulation 10, Maintenance of condition after surveys, requires that after any survey of the vessel under regulations 7, 8 or 9 has been completed, no change shall be made in the structural arrangements, machinery, equipment and other items covered by the survey, without the sanction of the Administration.

Regulation 11 deals with issued and endorsed certificate and requires that an International Fishing Vessel Safety Certificate be issued after an initial or renewal survey to a fishing vessel which complies with the relevant requirements of regulations. Where a State party applies exemptions applicable under the regulations, an International Fishing Vessel Exemption Certificate shall be issued. These certificates shall either be issued by the State party or endorsed by a person or organization authorized by the State party.

Regulation 12 deals with issue and endorsement of certificate by another State party. The Regulation allows State party to authorize another State party to survey and or certificate its vessels. While Regulation 13 deals with the duration and validity of the certificates. It states that the International Fishing Vessel Safety Certificate shall be issued for a period specified by the Administration which shall not exceed five years, and an International Fishing Vessel Exemption Certificate shall not be valid for longer than the period of the certificate to which it refers.

Regulation 14 prescribes the form of certificate and record of equipment; Regulation 15 deals with the availability of the certificates onboard the vessel at all time; Regulation 16 mandates all State parties to accept the certificates issued by the other; and Regulation 17 forbid any vessel from being accorded any privileges from the application of the regulations.

Chapter II: Construction, Watertight Integrity and Equipment

This chapter consists of 15 Regulations. Regulation 1 is on Construction and stipulates that the construction of hull, superstructures, deckhouses, machinery casings, companionways and any other structures and vessel's equipment shall be sufficient to withstand all foreseeable conditions of the intended service and shall be to the satisfaction of the Administration.

Regulation 2 deals with Watertight doors. It states *inter alias* that Watertight doors shall be of an equivalent strength to the adjacent unpierced structure, and that the number of openings in watertight bulkheads shall be reduced to the minimum compatible with the general arrangements and operational needs of the vessel. It also prescribes that openings shall be fitted with watertight closing appliances.

Regulation 3 is Hull integrity and states *inter alias* that the external openings shall be capable of being closed so as to prevent water from entering the vessel and deck openings which may be open during fishing operations shall normally be arranged near to the vessel's centreline. The Administration is clothed with the right to approve different arrangements if satisfied that the safety of the vessel will not be impaired.

Regulation 4 is Weathertight doors and prescribes that all access openings in bulkheads of enclosed superstructures and other outer structures through which water could enter and

endanger the vessel, shall be fitted with doors permanently attached to the bulkhead, framed and stiffened so that the whole structure is of equivalent strength to the unpierced structure, and weathertight when closed, using gaskets and clamping devices or other equivalent means and shall be permanently attached to the bulkhead or to the doors themselves, and shall be so arranged that they can be operated from each side of the bulkhead.

Regulation 5 deals with Hatchway closed by wood cover and stipulates that the height above deck of hatchway coamings shall be at least 600 mm on exposed parts of the working deck and at least 300 mm on the superstructure deck, with finished thickness allowing for abrasion due to rough handling.

Regulation 6 is on Hatchway closed by cover other than wood, prescribing similar specification as those of wood cover, but allows for dispensation based upon experience and approved by the Administration. The Regulation provides the formulation for the calculation for measuring the strength.

Regulation 7 provides requirements for Machinery space opening. It states that the openings shall be framed and enclosed by casings of a strength equivalent to the adjacent superstructure. External access should be Watertight and openings other than access openings weathertight.

Regulation 8 prescribes requirements for Other Deck Opening, and states that where it is essential for fishing operations, flush deck scuttles of the screw, bayonet or equivalent type and manholes may be fitted provided these are capable of being closed watertight and such devices shall be permanently attached to the adjacent structure. While openings other than hatchways, machinery space openings, manholes and flush scuttles in the working or superstructure deck shall be protected by enclosed structures fitted with weathertight doors or their equivalent, with companionways situated as close as practicable to the centreline of the vessel.

Regulation 9 is on Ventilators and requires that in vessels of 45m in length and over, the height above deck of ventilator coamings, other than machinery space ventilator coamings, shall be at least 900 mm on the working deck and at least 760 mm on the superstructure deck. In vessels of less than 45 m in length, the height of these coamings shall be 760 mm and 450 mm respectively.

Regulation 10 deals with Air pipes. It prescribes that the pipes to tanks and void spaces below deck extend above the working or the superstructure decks, the exposed parts of the pipes shall be of strength equivalent to the adjacent structures and fitted with appropriate protection. It further sets the height of pipes.

Regulation 11 provides for Sounding devices and requires such devices to be fitted to the bilges of those compartments which are not readily accessible at all times during the voyage and to all tanks and cofferdams.

Regulation 12 deals with Sidescuttles and windows and prescribes that sidescuttles to spaces below the working deck and to spaces within the enclosed structures on that deck shall be fitted with hinged deadlights capable of being closed watertight, and that no sidescuttle shall be fitted in such a position that its sill is less than 500 mm above the deepest operating waterline, while sidescuttles fitted less than 1,000 mm above the deepest operating waterline shall be of the fixed type.

Regulation 13 sets the requirements for Inlets and Discharges. Among other things, it prescribes that discharges led through the shell either from spaces below the working deck or from within enclosed superstructures or deckhouses on the working deck fitted with doors complying with the requirements of Regulation 4 shall be fitted with accessible means for preventing water from passing inboard.

Regulation 14 deals with Freeing ports, and sets the minimum freeing ports based upon the position and size of the bulwark, though the Administration may increase same.

Regulation 15 deals with Anchor and mooring equipment. It states that anchor equipment designed for quick and safe operation shall be provided which shall consist of anchoring equipment, anchor chains or wire ropes, stoppers and a windlass or other arrangements for dropping and hoisting the anchor and for holding the vessel at anchor in all foreseeable service conditions. It states further that vessels shall also be provided with adequate mooring equipment for safe mooring in all operating conditions.

Chapter III: Stability and other Seaworthiness

This Chapter has 14 Regulations. Regulation 1 mandates that vessels must be designed and constructed that the Chapter and the calculations of the righting lever curves shall be to the satisfaction of the Administration.¹⁷ The Chapter sets the stability criteria with the proviso that such standard may be departed from if the Administration is satisfied.¹⁸ Regulation 3 prescribes the requirement for the flooding of fish-holds¹⁹, while Regulation 4 requires that vessels engaged in particular fishing methods where additional external forces are imposed on the vessel during fishing operations, shall meet the stability criteria of Chapter 2.²⁰ The need for vessels to withstand the effect of severe wind and rolling in associated sea conditions taking account of the seasonal weather conditions, the sea states in which the vessel will operate, etc. is regulated under Regulation 5.²¹ Vessels must withstand water on deck in keeping with Regulation 6.²² Chapter 7 deals with Operating conditions such as departure for the fishing grounds with full fuel, stores, ice, fishing gear, etc.; departure from the fishing grounds with full catch; arrival at home port with full catch and 10 per cent stores, fuel, etc.; and arrival at home port with 10 per cent stores, fuel, etc. and a minimum catch, which shall normally be 20 per cent of full catch but may be up to 40 per cent.²³ The calculation of stability for condition for Vessels operating areas where ice are likely to be accreted is covered under Regulation 8.²⁴ Regulation 9 requires vessels to undergo inclining test,²⁵ while Suitable stability information are to be supplied to enable the skipper to assess with ease and certainty the stability of the vessel under various operating conditions, as required under Regulation 10,²⁶ The securing of catch against shifting which could cause dangerous trim or heel of the vessel is regulated under Regulation 11.²⁷ Regulation 12 deals with the height of bow in order to prevent the excessive shipping of water taking into account of the seasonal weather conditions, the sea states in which the vessel will operate, the type of vessel and its mode of operation.²⁸ Regulation 13 deals with Maximum permissible operating draught, and Regulation 14 deals with Subdivision and damage stability, thereby

¹⁷ Chapter III Regulation 1.

¹⁸ Ibid., Regulation 2.

¹⁹ Ibid., Regulation 3.

²⁰ Ibid., Regulation 4.

²¹ Ibid., Regulation 5.

²² Ibid., Regulation 6.

²³ Ibid., Regulation 7.

²⁴ Ibid., Regulation 8.

²⁵ Ibid., Regulation 9.

²⁶ Ibid., Regulation 10.

²⁷ Ibid., Regulation 11.

²⁸ Ibid., Regulation 12.

prescribes that, Vessels of 100 m in length and over, where the total number of persons carried is 100 or more, shall be capable of remaining afloat with positive stability, after the flooding of any one compartment assumed damaged, having regard to the type of vessel, the intended service and area of operation.²⁹

Chapter IV: Machinery and Electrical Installations and Periodically Unattended Machinery Spaces

This chapter applies to vessels of 45 meters³⁰ and provides for the definition of its own operating terms.³¹ It consist of four (4) Parts and Twenty-four (24) Regulations. As for Machinery Installations, the main propulsion, control, steam pipe, fuel oil, compressed air, electrical and refrigeration systems; auxiliary machinery; boilers and other pressure vessels; piping and pumping arrangements; steering equipment and gears, shafts and couplings for power transmission shall be designed, constructed, tested, installed and serviced to the satisfaction of the Administration, and machinery and equipment, as well as lifting gear, winches, fish handling and fish processing equipment shall be protected so as to reduce to a minimum any danger to persons on board. Special attention shall be paid to moving parts, hot surfaces and other dangers. The design and construction of electrical installations shall be such as to provide for or equipment installations, the services necessary to maintain the vessel in normal operational and habitable conditions without having recourse to an emergency source of power; the services essential to safety when failure of the main source of electrical power occurs; and protection of the crew and vessel from electrical hazards. Vessels shall be provided with documentary evidence, to the satisfaction of the Administration, of their fitness to operate with periodically unattended machinery spaces.³² Vessels shall have sufficient power for going astern to secure proper control of the vessel in all normal circumstances as required by Regulation 5.³³ Regulations 6 requires every steam boiler and every unfired steam generator shall be provided with not less than two safety valves of adequate capacity.³⁴ Regulation 7 mandates that two separate means of communication between the wheelhouse and the machinery space control platform shall be provided, one of which shall be an engine-room telegraph.³⁵ Regulation 8 sets

²⁹ Ibid., Regulation 14.

³⁰ Chapter IV Regulation 1

³¹ Ibid., Regulation 2.

³² Ibid., Regulation 4.

³³ Ibid., Regulation 5.

³⁴ Ibid., Regulation 6.

³⁵ Ibid., Regulation 7

the requirement for wheelhouse control of propulsion machinery,³⁶ while air pressure systems are regulated under Regulation 9.³⁷ Arrangement of fuel oil, lubricating oil and other inflammable oils are regulated under Regulation 10.³⁸ Regulation 11 details the requirement for bilge pumping arrangements states *inter alia* that an efficient bilge pumping plant shall be provided which under all practical conditions shall be capable of pumping from and draining any watertight compartment which is neither a permanent oil tank nor a permanent water tank whether the vessel is upright or listed, including the provision of wing suctions if necessary for that purpose.³⁹ Protection against noise is regulated under Regulation 12,⁴⁰ while Steering gear is regulated under Regulation 13 and states *inter alia* that vessels shall be provided with a main steering gear and an auxiliary means of actuating the rudder.⁴¹ Engineers' alarm for Vessels of 75 meters and above are regulated under Regulation 14.⁴² The preservation of catch through refrigeration is regulated under Regulation 15.⁴³ It states in part that refrigeration systems shall be so designed, constructed, tested and installed as to take account of the safety of the system and also the emission of chlorofluorocarbons (CFCs) or any other ozone-depleting substances from the refrigerant held in quantities or concentrations which are hazardous to human health or to the environment.

Electrical installations covered under Part C of Chapter IV and it details the requirements for all electrical installation within the vessel. The main source of electrical power is regulated under Regulation 16.⁴⁴ Emergency source of power is regulated under Regulation, and states in part that a self-contained emergency source of electrical power located, to the satisfaction of the Administration, outside the machinery spaces shall be provided and so arranged as to ensure its functioning in the event of fire or other causes of failure of the main electrical installations 17.⁴⁵ Regulation 18 requires precaution against shock, fire and other hazard of electrical origin.⁴⁶

Periodically Unattended Machinery Spaces are regulated under Part D of Chapter IV. Regulation 19 is on fire safety, providing detailed requirements for fire prevention, fire detection, and

³⁶ Ibid., Regulation 8

³⁷ Ibid., Regulation 9

³⁸ Ibid., Regulation 10

³⁹ Ibid., Regulation 11

⁴⁰ Ibid., Regulation 12

⁴¹ Ibid., Regulation 13

⁴² Ibid., Regulation 14

⁴³ Ibid., Regulation 15

⁴⁴ Ibid., Regulation 16

⁴⁵ Ibid., Regulation 17

⁴⁶ Ibid., Regulation 18

firefighting⁴⁷. Regulation 20 deals with Protection against flooding, Regulation 21 deals with Communication, and Regulation 22 deals with Alarm system, and requires in part that, the alarm system shall be capable of sounding an audible alarm in the machinery space and shall indicate visually each separate alarm function at a suitable position.⁴⁸ Special requirements for machinery, boiler and electrical installations within vessels of 75m and above, are regulated under Regulation 23, and Regulation 24 regulates Safety system.

Chapter V: Fire Protection, Fire Detection, Fire Extinction and Fire Fighting

This Chapter consists of four (4) Parts and forty-four (44) Regulations. Part A of the Chapters applies to new vessels of 45m in length and over. It consists of 2 of Regulation 1 and 2, respectively. It lays out the method of protection in three categories known as Method IF, Method IFF, and Method IIF.⁴⁹ It further defines the operational terms of the Chapter⁵⁰. Part B deals with fire safety measures in vessels of 60m and over and begins with Regulation 3 which prescribes *inter alia* the hull, superstructure, structural bulkheads, decks and deckhouses shall be constructed of steel or other equivalent material.⁵¹ Regulation 4 regulates bulkhead within accommodation and service spaces, while Regulation 5 regulates the protection of stairways and lift trunks in accommodation spaces, service spaces and control stations. Doors in fire resistant divisions are regulated under Regulation 6. It states in part that doors shall have resistance to fire as far as practicable, equivalent to the division in which they are fitted.⁵² Fire integrity and bulkheads and deck are regulated in depth in Regulation 7 in two tables. Table one deals with fire integrity of bulkheads separating adjacent spaces and Table 2 deals with fire integrity of decks separating adjacent spaces.⁵³ In accommodation and service spaces and control stations all linings, draught stops, ceilings and their associated grounds shall be of non-combustible materials, while In corridors and stairway enclosures serving accommodation and service spaces and control stations, ceilings, linings, draught stops and their associated grounds shall be of non-combustible materials.⁵⁴ Regulation 9 requires that ventilation ducts should not be made of combustible materials.⁵⁵ Heating installations are regulated by Regulation 10. It prohibits

⁴⁷ Ibid., Regulation 19

⁴⁸ Ibid., Regulation 22

⁴⁹ Chapter V, Regulation 1

⁵⁰ Ibid., Regulation 2

⁵¹ Ibid., Regulation 3

⁵² Ibid., Regulation 6

⁵³ Ibid., Regulation 7

⁵⁴ Ibid., Regulation 8

⁵⁵ Ibid., Regulation 9

heating by open fire and, among other things requires that Electric radiators should not be fixed in position and so constructed as to reduce fire risks to a minimum⁵⁶. Exposed surfaces should have low flame spread capabilities, and paints, varnishes, etc on exposed surfaces should not be capable of producing excessive quantities of smoke or toxic gases or vapours.⁵⁷ Regulation 12 requires that Cylinders containing flammable or other dangerous gases and expended cylinders shall be stored, properly secured on open decks and all valves, pressure regulators and pipes leading from such cylinders shall be protected against damage.⁵⁸ Means of escape is regulated under Regulation 13 and requires in part that Stairways and ladders leading to and from all accommodation spaces and in spaces in which the crew is normally employed, other than machinery spaces, shall be so arranged as to provide ready means of escape to the open deck and, to the survival craft.⁵⁹ In vessels in which IIF Protection method are used, an automatic sprinkler and fire alarm system shall be installed and arranged to protect accommodation spaces and service spaces.⁶⁰ Regulation 15 mandates that in vessels applying method IIIF, an automatic fire alarm and fire detection system shall be installed and arranged as to detect the presence of fire in all accommodation spaces and service spaces.⁶¹ Cargo spaces of high fire risk shall be protected by a fixed gas fire-extinguishing system or by a fire-extinguishing system which gives equivalent protection⁶². Regulation 17 regulates fire pumps and requires at least two fire pumps, the main pump and alternative. In vessels of 75 m and above, alternative pump shall be a fixed emergency fire pump independently driven.⁶³ Fire mains shall have no connections other than those required for fire fighting, except for the purpose of washing the deck and anchor chains and operation of bilge ejectors, subject to the efficiency of the fire-fighting system being maintained.⁶⁴ The number of fire hoses provided shall be equal to the number of fire hydrants arranged according to paragraph (2) and one spare hose.⁶⁵ The capacity of required portable fluid extinguishers shall be not more than 13.5 l and not less than 9 l. Other extinguishers shall not be in excess of the equivalent portability of the 13.5 l fluid extinguisher and shall not be less than the fire-extinguishing equivalent of a 9 l fluid extinguisher.⁶⁶ At least five approved portable fire extinguishers shall be provided in control stations and accommodation and service

⁵⁶ Ibid., Regulation 10

⁵⁷ Ibid., Regulation 11

⁵⁸ Ibid., Regulation 12

⁵⁹ Ibid., Regulation 13

⁶⁰ Ibid., Regulation 14

⁶¹ Ibid., Regulation 15

⁶² Ibid., Regulation 16

⁶³ Ibid., Regulation 17

⁶⁴ Ibid., Regulation 18

⁶⁵ Ibid., Regulation 19

⁶⁶ Ibid., Regulation 20

spaces.⁶⁷ The acceptable types of fire extinguishers that are to be used in spaces containing oil-fired boilers or fuel oil units listed and regulated under Regulation 22⁶⁸ Regulation 23 provides for international shore connection and stipulates the various dimensions in a detailed table⁶⁹ The minimum number of fireman outfits and the place of storage is regulated under Regulation 24, the posting of fire plan of required under Regulation 25, the availability and good order of fire extinguisher is required under Regulation 26 and the Regulation 27 allows for substitute for special type of appliance, apparatus, extinguishing medium or arrangement, but to the satisfaction of the Administration.

Part C of Chapter 5 regulates fire safety measures in vessels of 45m and less in the same order of Part B, but with different specifications.

Chapter VI: Protection of the Crew

This Chapter deals with the general protection measures include lifeline system, deck opening formats, skyline and other similar openings fitting, and the condition of the surface of decks.⁷⁰ It is required that hinged covers of hatchways, manholes and other openings be protected against accidental closing. In particular, heavy covers on escape hatches shall be equipped with counterweights and constructed to be capable of being opened from each side of the cover.⁷¹ All exposed parts of the working deck and on superstructure decks if they are working platforms are required to have bulwarks or guard rails.⁷² It is also required that stairways and ladders of adequate size and strength with handrails and non-slip treads.⁷³

Chapter VII: Lifesaving Appliances and Arrangement

This chapter applies to new vessels of 45m and over, except that the requirements for Radio and lifesaving appliances and Radar Transponders respectively, apply to existing vessels.⁷⁴ All

⁶⁷ Ibid., Regulation 21

⁶⁸ Ibid., Regulation 22

⁶⁹ Ibid., Regulation 23

⁷⁰ Chapter 6 Regulation 1

⁷¹ Ibid., Regulation 2

⁷² Ibid., Regulation 3

⁷³ Ibid., Regulation 4

⁷⁴ Chapter 7, Regulation 1

lifesaving appliances and arrangements must be tested and approved by the Administration,⁷⁵ including production test.⁷⁶

Part B of Chapter 7 is on vessel requirements. Each vessel is required to have at least two survival crafts. Vessels of 75m and longer are required to have survival craft with the aggregate capacity to accommodate the number of persons onboard.⁷⁷ Survival crafts are to be readily available, capable of being launched rapidly and safely.⁷⁸ Suitable arrangements shall be made for embarkation into the survival craft, which shall include at least one ladder, or other approved means, on each side of the vessel to afford access to the survival craft when waterborne.⁷⁹ Every person onboard is to have an allocated lifejacket⁸⁰ and immersion suit for every person assigned to the crew to rescue a boat.⁸¹ At least eight lifebuoys in vessels of 75 m in length and over; and six lifebuoys in vessels of less than 75 m in length.⁸² Every vessel shall carry a line-throwing appliance,⁸³ and effective distress signals by day and by night, including at least 12 rocket parachute flares.⁸⁴ At least three two-way VHF radiotelephone apparatus shall be provided on every vessel⁸⁵ and at least one radar transponder shall be carried on each side of every vessel.⁸⁶ Retro-reflective material are to be fitted on all survival craft, rescue boats, lifejackets and lifebuoys.⁸⁷ All life-saving appliances shall be in working order and ready for immediate use before the vessel leave port and at all time during the voyage.⁸⁸

Part C of Chapter 7 deals with lifesaving appliances requirements, including the construction of lifeboats and the carrying capacity of lifeboats. For instances, no lifeboat shall carry more than 150 persons. Lifeboats are to be arranged that it can be boarded by its full complement of persons in not more than 3 min from the time the instruction to board is given. Lifeboat buoyancy, freeboard and stability, propulsion, fitting. Equipment and markings, respectively, are also

⁷⁵ Ibid., Regulation 3

⁷⁶ Ibid., Regulation 4

⁷⁷ Ibid., Regulation 5

⁷⁸ Ibid., Regulation 6

⁷⁹ Ibid., Regulation 7

⁸⁰ Ibid., Regulation 8

⁸¹ Ibid., Regulation 9

⁸² Ibid., Regulation 10

⁸³ Ibid., Regulation 11

⁸⁴ Ibid., Regulation 12

⁸⁵ Ibid., Regulation 13

⁸⁶ Ibid., Regulation 14

⁸⁷ Ibid., Regulation 15

⁸⁸ Ibid., Regulation 16

regulated.⁸⁹ Self-righting partially enclosed life boats permanently attached rigid covers shall be provided extending over not less than 20 per cent of the length of the lifeboat from the stem and not less than 20 per cent of the length of the lifeboat from the aftermost part of the lifeboat, while Open parts of the lifeboat shall be fitted with a permanently attached foldable canopy.⁹⁰ Totally enclosed lifeboat shall be provided with a rigid watertight enclosure which completely encloses the lifeboat that protects the occupant, inter alias from heat and cold.⁹¹ Every liferaft shall be so constructed as to be capable of withstanding exposure for 30 days afloat in all sea conditions⁹², while the main buoyancy chamber of an inflatable liferaft are to be divided into not less than two separate compartments, each inflated through a non-return inflation valve on each compartment.⁹³ As for rigid liferaft, its buoyancy is to be provided by approved inherently buoyant material placed as near as possible to the periphery of the liferaft. The buoyant material shall be fire-retardant or be protected by a fire-retardant covering.⁹⁴ Rescue boats may be either of rigid or inflated construction or a combination of both and shall. It should be capable of manoeuvring at speeds up to 6 knots and maintaining that speed for a period of at least 4 h.⁹⁵ A lifejacket shall not sustain burning or continue melting after being totally enveloped in a fire for a period of 2 s, and it shall be capable of being worn inside-out or is clearly capable of being worn in only one way and, as far as possible, cannot be donned incorrectly.⁹⁶ Immersion suits shall also be unpacked and donned without assistance within 2 min taking into account any associated clothing, and a lifejacket if the immersion suit is to be worn in conjunction with a lifejacket. It must cover the whole body with the exception of the face. Hands shall also be covered, unless permanently attached gloves are provided.⁹⁷ A thermal protective aid shall be made of waterproof material having a thermal conductivity of not more than 0.25 W/m.K and shall be so constructed that, when used to enclose a person, it shall reduce both the convective and evaporative heat loss from the wearer's body.⁹⁸ Life buoyancy must have an outer diameter of not more than 800 mm and an inner diameter of not less than 400 mm.⁹⁹ Line throwing appliances must be capable of throwing a line with reasonable accuracy, and include not less

⁸⁹ Ibid., Regulation 17

⁹⁰ Ibid., Regulation 18

⁹¹ Ibid., Regulation 19

⁹² Ibid., Regulation 20

⁹³ Ibid., Regulation 21

⁹⁴ Ibid., Regulation 22

⁹⁵ Ibid., Regulation 23

⁹⁶ Ibid., Regulation 24

⁹⁷ Ibid., Regulation 25

⁹⁸ Ibid., Regulation 26

⁹⁹ Ibid., Regulation 27

than four projectiles each capable of carrying the line at least 230 m in calm weather.¹⁰⁰ Rocket parachute flare must among other things contain in a water-resistant casing; have brief instructions or diagrams clearly illustrating the use of the rocket parachute flare printed on its casing; and, have integral means of ignition.¹⁰¹ Similar requirements are prescribed for hand flare¹⁰² and buoyant smoke signal.¹⁰³ Each launching appliance together with all its lowering and recovery gear must be so arranged that the fully equipped survival craft or rescue boat it serves can be safely lowered against a trim of up to 10° and a list of up to 20° when boarded by its full complement of persons or/and without persons in the survival craft or rescue boat.¹⁰⁴

Chapter VIII: Emergency Procedures, Muster and Drills

This Chapter applies to vessels of 24m and above.¹⁰⁵ It is required that the general emergency alarm system be capable of sounding the general alarm signal consisting of seven or more short blasts followed by one long blast on the vessel's whistle or siren and, additionally, on an electrically operated bell or klaxon or other equivalent warning system which shall be powered from the vessel's main supply and the emergency source of electrical power. It further requires that all vessels shall be provided with clear instructions for each crew member, which shall be followed in case of emergency, and that the muster list shall be posted up in several parts of the vessel and, in particular, in the wheelhouse, the engine-room and in the crew accommodation.¹⁰⁶ It is also specified that each member of the crew shall participate in at least one abandon ship drill and one fire drill every month.¹⁰⁷ The Administration is obliged to ensure that crews are adequately trained in their duties in the event of emergencies, such as collisions, fire and foundering; trained to the lifesaving appliances and equipment carried onboard, trained to the principles of survival, etc.¹⁰⁸

¹⁰⁰ Ibid., Regulation 28

¹⁰¹ Ibid., Regulation 29

¹⁰² Ibid., Regulation 30

¹⁰³ Ibid., Regulation 31

¹⁰⁴ Ibid., Regulation 32

¹⁰⁵ Chapter 8, Regulation 1

¹⁰⁶ Ibid., Regulation 2

¹⁰⁷ Ibid., Regulation 3

¹⁰⁸ Ibid., Regulation 4

Chapter IX: Radiocommunications

This chapter applies to new and existing vessels of 45m and over,¹⁰⁹ though the Administration may grant partial exemptions.¹¹⁰ Each vessel must comply with what is referred to a functional requirements, which includes, transmitting ship-to-shore distress alerts by at least two separate and independent means, each using a different radiocommunication service; receiving shore-to-ship distress alerts; transmitting and receiving ship-to-ship distress alerts; transmitting and receiving search and rescue co-ordinating communications; and, transmitting and receiving on-scene communications, etc.¹¹¹ Every vessel must have radio capable of carryout these functional requirements throughout its intended voyage, unless exempted by the Administration.¹¹² Unless exempted by the Administration, every vessel must carry VHF radio capable of transmitting DSC on the frequency 156.525 MHz (channel 70), with possibility of initiating transmission of distress alerts on channel 70 from the position from which the vessel is normally navigated. It must also transmit radiotelephony on the frequencies 156.300 MHz (channel 6), 156.650 MHz (channel 13) and 156.800 MHz (channel 16),¹¹³ among others. Additionally, if the vessel is exclusively operating in Sea A1, it must have a radio installation capable of initiating the transmission of ship-to-shore distress alerts from the position from which the vessel is normally navigated.¹¹⁴ If navigating beyond Sea A1 but not exceeding A2, an MF radio installation capable of transmitting and receiving, for distress and safety purposes, on the frequencies 2,187.5 kHz using DSC; and 2,182 kHz using radiotelephony.¹¹⁵ If engaged in voyage beyond A1 and A2 but not exceeding A3, an Inmarsat ship earth station, an MF radio and a radio installation capable of maintaining a continuous DSC watch on the frequency 2,187.5 kHz are required.¹¹⁶ Vessels engaged in navigation in A4 shall comply with a higher requirement.¹¹⁷ Chapter 9 also requires that all vessels, while at sea must maintain a continuous watch.¹¹⁸ It is furthered required that there must be available at all times, while the vessel is at sea, a supply of electrical energy sufficient to operate the radio installations and to charge any batteries used as part of a reserve source or sources of energy for the radio installations, and a reserved source or sources.¹¹⁹

¹⁰⁹ Chapter 9, Regulation 1

¹¹⁰ Ibid., Regulation 3

¹¹¹ Ibid., Regulation 4

¹¹² Ibid., Regulation 5

¹¹³ Ibid., Regulation 6

¹¹⁴ Ibid., Regulation 7

¹¹⁵ Ibid., Regulation 8

¹¹⁶ Ibid., Regulation 9

¹¹⁷ Ibid., Regulation 10

¹¹⁸ Ibid., Regulation 11

¹¹⁹ Ibid., Regulation 12

Chapter X: Shipborne Navigational Equipment and Arrangements

This chapter applies to new and existing ships,¹²⁰ though the Administration has the latitude to exempt vessels from requirements of the chapter.¹²¹ Shipborne navigational equipment for vessels of 24m and over shall include a standard magnetic compass, steering magnetic compass, adequate means of communication between the standard compass position and the normal navigation control position, etc., all with some exceptions.¹²² Ships must carry nautical instruments and publications onboard, including adequate and up-to-date charts, sailing directions, lists of lights, notices to mariners, tide tables, etc.¹²³ Vessels must have a daylight signalling lamp. For vessels of 45m and above, a full complement of flags and pennants to enable communications to be sent using the International Code of Signals. New vessels of 45 m in length and over must have navigational bridge visibility.¹²⁴

3. FISHERIES IN LIBERIA

i. Geographical location of Liberia

The Republic of Liberia was established in 1822 by free slaves expatriated from the United States of America, lying 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. It declared its independence on July 26, 1845. It is in West Africa, specifically, on the West coast, with 570 km coastline along the Atlantic Ocean. On 12 January 2012, Liberia for the first time declared a 200 nautical miles EEZ by Executive Order and has renewed the Executive Order annually since. The maritime border with Côte d'Ivoire was agreed in 1961, while the border with Sierra Leone has still not been formally agreed. 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.¹²⁵

¹²⁰ Chapter 10, Regulation 1

¹²¹ Ibid., Regulation 2

¹²² Ibid., Regulation 3

¹²³ Ibid., Regulation 4

¹²⁴ Ibid., Regulation 5

¹²⁵ Ex ante Evaluation of possible future fisheries partnership agreement between the European Union and Liberia, Final Report, October 2013. <https://ec.europa.eu/fisheries/node/17946>, accessed January 13, 2021.

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 GDP¹²⁶. 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. 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).¹²⁷

ii. Historical Overview of Fishing in Liberia

The National Fisheries and Aquaculture Authority (NaFAA) of Liberia estimated that the annual catch is around 10,000 tons per year. This driven mainly by offshore fishery which is primarily comprised of large industrial tuna vessels mainly from the EU fishing within Liberian waters pursuant to a fisheries partnership access agreement between Liberia and the EU. The coastal fisheries are conducted on the continental shelf, which is on average 36 km wide, narrower in the north between Monrovia and Robertsport with trawling grounds down to 800 m and wider in the south between Monrovia and the Ivory Coast.¹²⁸

The coastal fisheries are affected by the seasonal oscillation of the thermocline and relatively low nutrients. Six exploitable species assemblages have been identified i.e., small, medium, and large pelagics, shallow- and deep-water demersals and crustaceans, which are targeted to a different extent by the small-scale and industrial fleets. Small Scale Fleets include the Kru non-motorized dugout canoes generally 5 to 7 m long with 1 to 3 crewmembers and the Fanti larger

¹²⁶ Ibid.

¹²⁷ Ibid.

¹²⁸ State of the world fisheries and aquaculture, 2020. <http://www.fao.org/documents/card/en/c/ca9229en>, accessed January 13, 2021.

open wooden boats 10 to 15 m long propelled by outboard engines with a crew of 6 to 26 who have exclusive access up to six nautical miles (nm) offshore but may fish further out as well.¹²⁹

The Small Scale Fleet (SSF) provides livelihoods for around 10,800 full-time fishers and 22,100 local and foreign fish processors and traders. Most of the catch is landed during the dry season, in October to April, when the weather is good, the sea is calm and fishing conditions are favorable. During the rainy season, May to October, periods of strong ocean currents, heavy storms and rainfall limit the ability of the fleets to go out to sea.¹³⁰

The coastal industrial fishery comprises of trawlers that deploy mid-water and bottom trawls target the shallow- and deep-water demersal species as well as shrimps. The vessels are owned by foreigners mainly from Europe (e.g., Spain, Greece, Russia.) and China, who operate through joint ventures with Liberian registered fishing agencies.¹³¹

In the early 80s, 14 coastal industrial trawlers operated in Liberia mainly targeting shrimps with an annual catch of 746 tons in 1980. During this period, the industrial shrimp fishery was profitable. Maximum economic profits of the 14 trawlers were estimated at around 5.7 million dollars. Due to the concentration of shrimps and demersal species in the inshore areas, the trawlers and small-scale fishers came into constant conflict, with the trawlers oftentimes destroying the fishing equipment of the small-scale fishers.¹³²

Shortly after the civil war ended in 2006, almost 40 industrial vessels were in the coastal waters. However, since 2008, there has been a sharp decline and today there are only two such vessels operating in Liberian waters. The coastal industrial fleet size, during the periods of the social unrest, more than doubled in the 1980s, a development that seems to be associated with a lack of effective governance. Between 2013 and 2016, there were on average four coastal licensed industrial vessels, averaging about 180 Gross Registered Tonnage (GRT). This decrease in the number of trawlers appears to be due to then establishment of an Inshore Exclusion Zone (IEZ). The catch, whole-fish and shrimp frozen onboard, is supplied to the domestic market, although a part is also exported¹³³.

In 2010, the Liberian Government initiated key fisheries management reforms, with funding from the World Bank West African Regional Fisheries Program. A six nm IEZ was introduced

¹²⁹ Ibid.

¹³⁰ Ibid.

¹³¹ Ibid.

¹³² Ibid.

¹³³ Ibid.

to protect the SSF. This was the initial step to control illegal coastal industrial vessels from operating in the inshore zone and allow the commercial fishery resources to rebuild. To secure the IEZ, the Government of Liberia established a Fisheries Monitoring Center (FMC) to monitor and control industrial fishing activities. Since then, there have been no new investments in this fishery, while there has been an expansion of the Kru fisheries which seems to be consistent with growth trend after the war.¹³⁴

iii. Fisheries Administration in Liberia

Until 2016 when the Act establishing the National Fisheries and Aquaculture Authority was passed into law, the fisheries authority for Liberia was the Bureau of National Fisheries (BNF) under 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.¹³⁵ The Fisheries sector is now headed by NaFAA and consists of Environmental Protection Agency (EPA), Ministry of Defense (Liberian Coast Guard), Liberia Maritime Authority, Liberia Ports Authority, Ministry of Finance, Ministry of Immigration and Naturalization, and Ministry of Justice. Relevant laws governing the sector include the National Fisheries and Aquaculture Management and Development Act (amended 2019); the Liberia Maritime Act (2010); the National Defense Act (2008) and the Environmental Protection and Management Act (2003).

4. WHY LIBERIA NEEDS THE CAPE TOWN AGREEMENT

Liberia has not acceded to the CTA. However, if Liberia were to accede to the CTA, it will still require an enactment of an Act by the Legislature in order to give the CTA the full effect of law, enforceable by the competent authority. The CTA itself will not enter into force until 2022. Notwithstanding the fact that Liberia has not acceded to the CTA, a precursor to ratification, it will be prudent to take these needed steps so that Liberia is set and ready to implement the CTA once it enters into force in 2022. That will require ensuring that the necessary legislation is

¹³⁴ Ibid

¹³⁵ Evaluation Report. [projects.worldbank.org > en](https://projects.worldbank.org/en), accessed January 13, 2021

drafted or even enacted before the CTA comes into force. Liberia stand to benefit enormously from the implementation of the CTA. Liberia fits within all of the classifications of countries within the contemplation of the CTA, i.e. flag State, coastal State, port State, and market State. This means that Liberia can play a major role in ensuring that the fishing profession is a safe one for fisherfolk. There may not be a huge number of Liberians working on commercial fishing vessels around the world, but Liberia has a huge fleet of fishing vessels flying it flag. There is also a growing number of fishing vessels fishing within the EEZ of Liberia. When duly implemented, the CTA standards can be applied evenly and to all fishing vessels regardless of whether the Flag State of that vessel is not a State Party, due to the CTA's "No more favorable treatment" clause. Liberia's fishing vessels registry is increasing in size. As of October 14, 2020, the NaFAA had licensed 69 industrial fishing vessels to harvest fish in the Liberian maritime area. These vessels fly the flags of many States, nearly none being Liberian¹³⁶.

As a coastal State, the accession to, and implementation of the CTA would provide higher safety standards for fishing vessels operating within Liberia's coastal waters. This will enhance the safety of Liberian nationals who work as crews and observers onboard foreign-flagged vessels. The standards prescribe will reduce the chances of vessel incidents in the Liberian maritime area.

If Liberia accedes to the CTA, as a flag State, it has the duty to apply first hand most of the CTA's standards, thus contributing to the general safety of life of fishing vessel crews at high sea, which will be commendable given the high peril of the sea. For instance, inspection and surveys will lead to the determination of unsafe or unseaworthy fishing vessels, thereby de-registering the same or mandating compliance and saving the lives of its crews.

With additional port State control provided for under the CTA, there would be sufficient means to curtail Illegal Unregulated Unreported (IUU) fishing thereby better protecting productive fish stocks within Liberian waters. In addition to being a coastal State, flag State, and port State, Liberia is also a market State. Commercial fishing vessels supplying fish to Liberia account for nearly all of the fish Liberians eat since local fishermen catching capacity are drastically low due to mainly artisanal fishing. As a market State, the accession to the CTA will inspire confidence in the Liberia population that they will consume fish and fish products that emanate from the application of best international practices, in terms of due regards for the value of the lives of those who devote their lives to fisheries, in other words, fisherfolk.

¹³⁶ Liberia Industrial Fishing Vessel License List available on www.nafaa.gov.org.

5. IMPLEMENTATION OF THE CAPE TOWN AGREEMENT BY LIBERIA

The domestication of international conventions and treaties in Liberia requires intervention by the Legislature. Such intervention within the context of the CTA will take the form of an amendment of the Title 21 of the Liberian Code of Law Revised, the Liberian Maritime Law. That is due to the wide range of jurisdiction Title 21 has over matters relating to the ocean. Section 2(2) of the Liberian Maritime Law declares that the Title governs all matters affecting the internal order and economy of Liberian Flag ships, including labor relations. The Liberian Maritime Authority being the competent entity of Government to implement Title 21, also has jurisdiction over all matters affecting internal order and economy of Liberian Flag ships, including labor relations.

Though the CTA has port State control obligations which is within the purview of the National Port Authority (NPA), LiMA and the NPA can work-out effective port State control mechanism without chaos. The NaFAA is also one of the newest entities of the Government of Liberia, which has power to accredit vessels to fishing in Liberian waters. By that jurisdiction, NaFAA could be used to enforce compliance with safety regulations for fishing vessels, by ensuring that fishing vessels present an International Safety and Fishing Vessel Certificate before such vessel is certificated to fishing within the Liberian maritime area. Whatever NaFAA's influence may be, LiMA and NaFAA could work out mechanism to implement this Act either by delegating some authority or through joint effort.

In view of the foregoing, the Act shall be called "An Act to Amend Title 21 of the Liberia Maritime Law, and to add a new Sub-Chapter Three to Chapter Four, to be known as the Safety of Fishing Vessels Law". This Act will be applicable to all commercial fishing vessels 24 meters and beyond, that are or will fly the Liberian flag, and/or within the territory and Exclusive Economic Zone of Liberia.



INSTRUMENT OF ACCESSION

BY LIBERIA,

WHEREAS, the Cape Town Agreement of 2012 on the Implementation of the Provisions of the 1993 Torremolinos Protocol relating to the International Torremolinos Convention on the Safety of Fishing Vessels, 1977 was opened for signature at the Headquarters of the International Maritime Organization from 11 February 2013 to 10 February 2014; and,

WHEREAS Article 3(2)(d) of the Agreement provides that any State may accede to it.

NOW THEREFORE I, Minister for Foreign Affairs declare that the Government of the Republic of Liberia, having considered the above-mentioned Agreement accedes to same,

AND HEREBY undertakes faithfully to perform and carry out the stipulations contained in the Agreement, subject to the availment of the period for the progressive implementation of all measures pertaining to (i) life-saving appliances and arrangements; (ii) emergency procedures, musters and drills, (iii) radiocommunications; and (iv) shipborne and navigational equipment and arrangements as allowed by the Agreement and the application of exemptions allowed thereof,

IN WITNESS WHEREOF, I have signed this instrument of accession at Accra on20xx.

DATE

SIGNED

SEAL

(MINISTER FOR FOREIGN AFFAIRS)

“SAFETY OF FISHING VESSEL LAW”



REPUBLIC OF LIBERIA

APPROVED: [date]

**PUBLISHED BY AUTHORITY
MINISTRY OF FOREIGN AFFAIRS**

PRINTED: [date]

“SAFETY OF FISHING VESSELS LAW”

PREAMBLE

WHEREAS, Liberia is a signatory to the Convention establishing the International Maritime Organization (IMO), and has since been actively been fulfilling its obligations to the said IMO through full participation in the formulation of conventions and regulations aimed at unifying international shipping law

WHEREAS, the safety of fishing vessels has been a concern for many decades, but there has not been any holistic convention to provide prescribe acceptable rules for the safeguard of fishing vessels and the crew working onboard, despite a number of efforts, including the 1977 Torremolinos Convention and the 1993 Protocol to the said Terromolinos 1977 Convention;

WHEREAS, the IMO in 2012 developed and adopted Cape Town Agreement which incorporates the 1977 Convention and the 1993 Protocol, including their annexes and regulation, and the said Cape Town Agreement is open for ratification and accession;

WHEREAS, Liberia has acceded¹³⁷ to the Cape Town Agreement, and as such, has assumed the responsibility to undertake the duties thereunder, aimed at ensuring the safety of fishing vessels flying the Liberian flag, as well as to ensure that measures are taken to exercise applicable port State control over vessels that are non-compliant with the Convention;

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

ORDER OF ACT

Article 1: Definitions

Article 2: Application

Article 3: Exemptions

Article 4: Equivalentents

Article 5: Repairs, alterations and modifications

Article 6: Inspection and survey

Article 7: Surveys of life-saving appliances and other equipment

¹³⁷ Though Liberia has not acceded to the CTA, a draft Act will carry acceded so that when enacted the word acceded will remain in the Act. This should not be seen as a contradiction. In fact, before the Executive submits this Act to the Legislature, the Executive must have acceded to the CTA.

Article 8: Surveys of radio installations
Article 9: Surveys of structure, machinery and equipment
Article 10: Maintenance of conditions after survey
Article 11: Issue or endorsement of certificates
Article 12: Issue or endorsement of certificates by another Party
Article 13: Duration and validity of certificates
Article 14: Forms of certificates and records of equipment
Article 15: Availability of certificates
Article 16: Acceptance of certificates
Article 17: Certification and port State control
Article 18: Force majeure
Article 19: Communication of information to the Organization
Article 20: Casualties to fishing vessels
Article 21: Privileges
Article 22: Incorporating the Cape Town Convention
Article 23: Promulgation of Regulations
Article 24: Implementation
Article 25: Sanctions
Article 26: Entry into force

Article 1

Definitions

Unless otherwise stated in this Act, the following terms shall have meanings as follows:

- (1) *Commission* is the Liberia Maritime Authority.
- (2) *Commissioner* is the Commissioner of the Liberia Maritime Authority.
- (3) *Organization* is the International Maritime Organization.
- (4) *Legislature* is the legislative Branch of the Government of Liberia.
- (5) *Act* is the Safety of Fishing Vessels Law.
- (6) *Convention* means the Cape Town Agreement of 2012 on the Implementation of Provisions of the Torremolinos Protocol of 1993 Relating to the Torremolinos International Convention for the Safety of fishing Vessels, 1977”, adopted under the

auspices of the International Maritime Organization (IMO) in 2012 (hereinafter referred to as the “Cape town Agreement”), including its annexes and regulations.

- (7) *Annex(es)* is the Annex(es) of the Convention.
- (8) *Regulation* is a regulation issued under the signature of the Commissioner.
- (9) *New vessel* is a vessel for which, on or after the date of the passage into law of the Act:
 - (a) the building or major conversion contract is placed; or
 - (b) the building or major conversion contract has been placed before the date of the passage into law the Act, and which is delivered three years or more after the date of such entry into force; or
 - (c) in the absence of a building contract:
 - (i) the keel is laid; or
 - (ii) construction identifiable with a specific vessel begins; or
 - (iii) assembly has commenced comprising at least 50 tonnes or 1% of the estimated mass of all structural material, whichever is less.
- (10) *Existing vessel* is a fishing vessel which is not a new vessel.
- (11) *Fishing vessel* or *vessel* means any vessel used commercially for catching fish, whales, seals, walrus or other living resources of the sea.
- (12) *Approved* means approved by the Commission as per the authority designated under this Act.
- (13) *Crew* means the skipper and all persons employed or engaged in any capacity on board a vessel on the business of that vessel.
- (14) *Length (L)* shall be taken as 96% of the total length on a waterline at 85% of the least moulded depth measured from the keel line, or as the length from the foreside of the stem to the axis of the rudder stock on that waterline, if that be greater. In vessels designed with rake of keel the waterline on which this length is measured shall be parallel to the designed waterline.

- (15) *Forward and after perpendiculars* shall be taken at the forward and after ends of the length (L). The forward perpendicular shall be coincident with the foreside of the stem on the waterline on which the length is measured.
- (16) *Breadth (B)* is the maximum breadth of the vessel, measured amidships to the moulded line of the frame in a vessel with a metal shell and to the outer surface of the hull in a vessel with a shell of any other material.
- (17) (a) The *moulded depth* is the vertical distance measured from the keel line to the top of the working deck beam at side.
- (b) In vessels having rounded gunwales, the moulded depth shall be measured to the point of inter-section of the moulded lines of the deck and side shell plating, the lines extending as though the gunwale were of angular design.
- (c) Where the working deck is stepped and the raised part of the deck extends over the point at which the moulded depth is to be determined, the moulded depth shall be measured to a line of reference extending from the lower part of the deck along a line parallel with the raised part.
- (18) *Depth (D)* is the moulded depth amidships.
- (19) *Deepest operating waterline* is the waterline related to the maximum permissible operating draught.
- (20) *Amidships* is the mid-length of L.
- (21) *Midship Article* is that Article of the hull defined by the inter-section of the moulded surface of the hull with a vertical plane perpendicular to the waterline and centreline planes passing through amidships.
- (22) *Keel line* is the line parallel to the slope of keel passing amidships through:
- (a) the top of the keel or line of inter-section of the inside of shell plating with the keel where a bar keel extends above that line of a vessel with a metal shell;
or
- (b) the rabbet lower line of the keel of a vessel with a shell of wood or a composite vessel; or

- (c) the inter-section of a fair extension of the outside of the shell contour at the bottom with the centreline of a vessel with a shell of material other than wood and metal.
- (23) *Working deck* is generally the lowest complete deck above the deepest operating waterline from which fishing is undertaken. In vessels fitted with two or more complete decks, the Administration may accept a lower deck as a working deck provided that that deck is situated above the deepest operating waterline.
- (24) *Superstructure* is the decked structure on the working deck extending from side to side of the vessel or with the side plating not being inboard of the shell plating more than 0.04B.
- (25) *Enclosed superstructure* is a superstructure with:
- (a) enclosing bulkheads of efficient construction;
 - (b) access openings, if any, in those bulkheads fitted with permanently attached weathertight doors of a strength equivalent to the unpierced structure which can be operated from each side; and
 - (c) other openings in sides or ends of the superstructure fitted with efficient weathertight means of closing.
 - (d) A bridge or poop shall not be regarded as enclosed unless access is provided for the crew to reach machinery and other working spaces inside those superstructures by alternative means which are available at all times when bulkhead openings are closed.
- (17) *Superstructure deck* is that complete or partial deck forming the top of a superstructure, deckhouse or other erection situated at a height of not less than 1.8 m above the working deck. Where this height is less than 1.8 m, the top of such deckhouses or other erections shall be treated in the same way as the working deck.

(18) *Height of a superstructure or other erection* is the least vertical distance measured at side from the top of the deck beams of a superstructure or an erection to the top of the working deck beams.

(19) *Weathertight* means that in any sea conditions water will not penetrate into the vessel.

(20) *Watertight* means capable of preventing the passage of water through the structure in any direction under a head of water for which the surrounding structure is designed.

(21) *Collision bulkhead* is a watertight bulkhead up to the working deck in the forepart of the vessel which meets the following conditions:

- (a) The bulkhead shall be located at a distance from the forward perpendicular:
 - (i) not less than $0.05L$ and not more than $0.08L$ for vessels of 45 m in length and over;
 - (ii) not less than $0.05L$ and not more than $0.05L$ plus 1.35 m for vessels of less than 45 m in length, except as may be allowed by the Administration;
 - (iii) in no case, less than 2 m.
- (b) Where any part of the underwater body extends forward of the forward perpendicular, e.g. a bulbous bow, the distance stipulated in subparagraph (a) shall be measured from a point at mid-length of the extension forward of the forward perpendicular or from a point $0.015L$ forward of the forward perpendicular, whichever is less.
- (c) The bulkhead may have steps or recesses provided they are within the limits prescribed in subparagraph (a).

(22) *Gross tonnage* means the gross tonnage calculated in accordance with the tonnage measurement regulations contained in Annex I to the International Convention on Tonnage Measurement of Ships, 1969, or any instrument amending or replacing it.

(23) *Anniversary date* means the day and the month of each year which will correspond to the date of expiry of the relevant certificate.

Article 2

Application

(1) This Act shall apply to all seagoing fishing vessels including vessels processing their catch, that are flying or entitled to fly the flag of Liberia.

(2) This Act shall also apply to all fishing vessels permitted to fish within the maritime zone of Liberia.

(3) Unless expressly provided otherwise, the provisions of this Act shall apply to fishing vessels of 24 meters in length and over.

(4) The following gross tonnage shall be used in place of length (L) as the basis for measurement of a vessel under this Act:

(a) a gross tonnage of 300 shall be considered equivalent to a length (L) of 24 m;

(b) a gross tonnage of 950 shall be considered equivalent to a length (L) of 45 m;

(c) a gross tonnage of 2,000 shall be considered equivalent to a length (L) of 60 m; and

(d) a gross tonnage of 3,000 shall be considered equivalent to a length (L) of 75 m.

(5) The Commission shall communicate to the Organization the rationale for the decision to use the measure scale prescribed in 2 above as the official measurement of vessels under this Act.

(6) The Commission shall determine whether or not upon the effectiveness of this Act, it is possible to apply measures under chapter VII, VIII, IX and X of the Annex to the Convention to existing vessels. If the Commission concludes that it is not immediately possible to implement all of the measures provided for in the said Chapters VII, VIII, IX and X to Existing Vessels, the Commission shall by Regulations, in accordance with a plan, institute a progressive

implementation of the provisions of Chapter IX of the Annex to the Convention over a period of no more than 10 years, and the provisions of Chapters VII, VIII and X of the Annex to the Convention, over a period of no more than five years.

(7) Where the Commission avail itself of the possibility afforded in paragraph (6) above, the Commission shall in its first communication to the Legislature and Organization:

- (a) indicate the provisions of chapters VII, VIII, IX and X of the Annex to the Convention to be progressively implemented;
- (b) explain the reasons for the decision taken under paragraph (6);
- (c) describe the plan for progressive implementation, which shall not be for more than five or 10 years, as appropriate; and
- (d) in subsequent communications on the application of this Act, describe measures taken with a view to giving effect to the provisions of the Act and progress made in line with the time frame established.

(8) The Commission may exempt a vessel from annual surveys, consistent with this Act, if it considers that the application is unreasonable and impracticable in view of the vessel's operating area and the type of vessel.

Article 3

Exemptions

- (1) The Commission may exempt from the application of this Act, vessels exclusively used:
- (a) for sport or recreation;
 - (b) for processing fish or other living resources of the sea;
 - (c) for research and training; or

(d) as fish carriers.

(2) The Commission may by Regulation exempt any vessel which embodies features of a novel kind from any of the requirements of Chapters II, III, IV, V, VI and VII of the Annex, the application of which might seriously impede research into the development of such features and their incorporation in vessels. Any such vessel shall, however, comply with safety requirements which, in the opinion of the authority under which it is governed, are adequate for the service for which it is intended and are such as to ensure the overall safety of the vessel.

(3) The Commission may by procedures outlined in its Regulation exempt any vessel entitled to the Liberian flag from any of the requirements of this Act, if it considers that the application is unreasonable and impracticable in view of the type of vessel, the weather conditions and the absence of general navigational hazards, provided:

(a) the vessel complies with safety requirements which, in the opinion of that Commission, satisfied the guidelines and procedure promulgated in the said Joint Regulation and hence, are adequate for the service for which it is intended and are such as to ensure the overall safety of the vessel and persons on board;

(b) the vessel is operating solely in:

(i) the exclusive economic zone of Liberia as determined and proclaimed by applicable laws.

(ii) the exclusive economic zone or a marine area under the jurisdiction of another State, or a common fishing zone, in accordance with an agreement between Liberia and the State concerned in accordance with international law, only to the extent and under the conditions that those State agree to establish in this regard; and

- (c) the Commission shall notify the Organization through its Secretary-General and the Legislature through the Speaker, of the terms and conditions on which the exemption is granted under this paragraph.

Article 4

Equivalents

(1) Where the Act or deriving Regulations requires that a particular fitting, material, appliance or apparatus, or type thereof, shall be fitted or carried in a vessel, or that any particular provision shall be made, the Commission may allow any other fitting, material, appliance or apparatus, or type thereof, to be fitted or carried, or any other provision to be made in that vessel, if it is satisfied by trial thereof or otherwise that such fitting, material, appliance or apparatus, or type thereof, or provision, is at least as effective as that required by the Act or Regulations.

(2) When the Commission allows in substitution, a fitting, material, appliance or apparatus, or type thereof, or provision, the Commission shall communicate to the Organization and the Speaker of the Legislature, particulars thereof together with a report on any trials made.

Article 5

Repairs, alterations and modifications

(1) A vessel which undergoes repairs, alterations, modifications and outfitting related thereto shall continue to comply with at least the requirements previously applicable to the vessel.

(2) Repairs, alterations and modifications of a major character and outfitting related thereto shall meet the requirements for a new vessel only to the extent of such repairs, alterations and modifications and in so far as the Commission deem reasonable and practicable.

Article 6

Inspection and survey

(1) The inspection and survey of vessels, so far as regards the enforcement of the provisions of the Act and accompanying Regulations, and the granting of exemptions therefrom, shall be carried out by officers of the Commission or surveyors nominated for the purpose or to organizations recognized by them.

(2) In nominating surveyors or recognizing organizations to conduct inspections and surveys as set forth in paragraph (1), the Commission shall as a minimum empower any nominated surveyor or recognized organization to:

(a) require repairs to a vessel; and

(b) carry out inspections and surveys if requested by the Commission.

The Commission shall notify the Organization of the specific responsibilities and conditions of the authority delegated to nominated surveyors or recognized organizations.

(3) When a nominated surveyor or recognized organization determines that the condition of the vessel or its equipment does not correspond substantially with the particulars of the certificate or is such that the vessel is not fit to proceed to sea without danger to the vessel or persons on board, such surveyor or organization shall immediately ensure:

(a) that corrective action is taken and shall in due course notify the Commission if the vessels is flying the Liberian flag.

(b) If such corrective action is not taken by the vessel, the Certificate shall be withdrawn.

(c) If the vessel is in the port of another Party to the Convention when the Certificate is withdrawn, the appropriate authority of the port State shall also be notified immediately.

(d) If the vessel is in the port of Liberia, the Commission shall immediately take action to ensure that the vessel does not sail until it can proceed to sea, or leave port

for the purpose of proceeding to the appropriate repair yard, without danger to the vessel or persons on board.

(e) The Commission shall notify the National Fisheries and Aquaculture Authority (NaFAA), if the vessel is certificated to fishing within the Internal Waters or Exclusive Economic Zone of Liberia, and NaFAA shall immediately suspend said vessel permit to fishing in the Internal Waters or Exclusive Economic Zone of Liberia, and ensure immediate corrective actions are taken, failure of which, the permit to fishing shall be revoked.

(4) In every case, the Commission shall fully guarantee the completeness and efficiency of the inspection and survey and shall undertake to ensure the necessary arrangements to satisfy this obligation.

Article 7

Surveys of life-saving appliances and other equipment

(1) The life-saving appliances and other equipment as referred to in paragraph (2)(a) below, shall be subject to the surveys specified below:

- (a) an initial survey before the vessel is put in service;
- (b) a renewal survey at intervals specified by the Commission through Joint Regulations but not exceeding five years, except where Articles 13(2), 13(5) and 13(6) are applicable;
- (c) a periodical survey within three months before or after the second anniversary date or within three months before or after the third anniversary date of the International Fishing Vessel Safety Certificate which shall take the place of one of the annual surveys specified in paragraph (1)(d). Alternatively, if adequate notice is given, the Commission may decide that the periodical survey shall be carried out within three months before the second anniversary date and three months after the third anniversary date of the International Fishing Vessel Safety Certificate;

- (d) an annual survey within three months before or after each anniversary date of the International Fishing Vessel Safety Certificate; and
 - (e) an additional survey either general or partial, according to the circumstances, shall be made after a repair resulting from investigations prescribed in Article 10 or whenever any important repairs or renewals are made. The survey shall be such as to ensure that the necessary repairs or renewals have been effectively made, that the material and workmanship of such repairs or renewals are in all respects satisfactory, and that the vessel complies in all respects with the provisions of the present regulations and of the International Regulations for Preventing Collisions at Sea in force, and of the laws, decrees, orders and regulations promulgated as a result thereof by the Government of Liberia.
- (2) The surveys referred to in paragraph (1) shall be carried out as follows:
- (a) the initial survey shall include a complete inspection of the fire safety systems and appliances, life-saving appliances and arrangements except radio installations, the shipborne navigational equipment, pilot transfer arrangements and other equipment to which chapters II, III, IV, V, VI, VII, VIII and X the Annex apply to ensure that they comply with the requirements of the Act, are in satisfactory condition and are fit for the service for which the vessel is intended. The fire control plans, nautical publications, lights, shapes, means of making sound signals and distress signals shall also be subject to the above-mentioned survey for the purpose of ensuring that they comply with the requirements of the present regulations and, where applicable, the *International Regulations for Preventing Collisions at Sea* in force;
 - (b) the renewal and periodical surveys shall include an inspection of the equipment referred to in paragraph (2)(a) to ensure that it complies with the relevant requirements of the present Article and the *International Regulations for Preventing Collisions at Sea* in force, is in satisfactory condition and is fit for the service for which the vessel is intended; and

- (c) the annual survey shall include a general inspection of the equipment referred to in paragraph (2)(a) to ensure that it has been maintained in accordance with Article 10(1) and that it remains satisfactory for the service for which the vessel is intended.
- (3) The periodical and annual surveys referred to in paragraphs (1)(c) and (1)(d) shall be endorsed on the International Fishing Vessel Safety Certificate.

Article 8

Surveys of radio installations

- (1) The radio installations, including those used in life-saving appliances, of vessels to which chapters VII and IX of the Annex apply shall be subject to the surveys specified below:
 - (a) an initial survey before the vessel is put in service;
 - (b) a renewal survey at intervals specified by the Commission but not exceeding five years, except where Articles 13(2), 13(5) and 13(6) are applicable;
 - (c) a periodical survey within three months before or after each anniversary date of the International Fishing Vessel Safety Certificate; or a periodical survey within three months before or after the second anniversary date or within three months before or after the third anniversary date of the International Fishing Vessel Safety Certificate. Alternatively, the Commission may decide that the periodical survey shall be carried out within three months before the second anniversary date and three months after the third anniversary date of the International Fishing Vessel Safety Certificate; and
 - (d) an additional survey either general or partial, according to the circumstances, shall be made after a repair resulting from investigations prescribed in regulation 10 or whenever any important repairs or renewals are made. The survey shall be such as to ensure that the necessary repairs or renewals have been effectively made, that the material and workmanship of such repairs or renewals are in all respects satisfactory, and that the vessel complies in all respects with the provisions of the present regulations and of the *International Regulations for Preventing Collisions at Sea* in

force, and of the laws, decrees, orders and regulations promulgated as a result thereof by the Commission.

- (2) The surveys referred to in paragraph (1) shall be carried out as follows:
 - (a) the initial survey shall include a complete inspection of the radio installations, including those used in life-saving appliances, to ensure that they comply with the requirements of the Act; and
 - (b) the renewal and periodical surveys shall include an inspection of the radio installations, including those used in life-saving appliances, to ensure that they comply with the requirements of the present regulations.
- (3) The periodical surveys referred to in paragraph (1)(c) shall be endorsed on the International Fishing Vessel Safety Certificate.

Article 9

Surveys of structure, machinery and equipment

- (1) The structure, machinery and equipment as referred to in paragraph (2)(a) shall be subject to the surveys and inspections specified below:
 - (a) an initial survey including an inspection of the outside of the vessel's bottom before the vessel is put in service;
 - (b) a renewal survey at intervals specified by the Commission but not exceeding five years, except prescribed by applicable Regulations;
 - (c) an intermediate survey within three months before or after the second anniversary date or within three months before or after the third anniversary date of the International Fishing Vessel Safety Certificate, which shall take the place of one of the annual surveys specified in paragraph (1)(d). Alternatively, the Commission may decide that the intermediate survey shall be carried out within three months before the second

anniversary date and three months after the third anniversary date of the International Fishing Vessel Safety Certificate;

- (d) an annual survey within three months before or after each anniversary date of the International Fishing Vessel Safety Certificate;
 - (e) a minimum of two inspections of the outside of the vessel's bottom during any five-year period, except where otherwise prescribed in this Act. Where otherwise prescribed in this Act, this five-year period may be extended to coincide with the extended period of validity of the certificate. In all cases the interval between any two such inspections shall not exceed 36 months; and
 - (f) an additional survey either general or partial, according to the circumstances, shall be made after a repair resulting from investigations, or whenever any important repairs or renewals are made. The survey shall be such as to ensure that the necessary repairs or renewals have been effectively made, that the material and workmanship of such repairs or renewals are in all respects satisfactory, and that the vessel complies in all respects with the provisions of the present regulations and of the International Regulations for Preventing Collisions at Sea in force, and of the laws, decrees, orders and regulations promulgated as a result thereof by the Commission.
- (2) The surveys and inspections referred to in paragraph (1) shall be carried out as follows:
- (a) the initial survey shall include a complete inspection of the structure, machinery and equipment. This survey shall be such as to ensure that the arrangements, materials, scantlings and workmanship of the structure, boilers and other pressure vessels, their appurtenances, main and auxiliary machinery including steering gear and associated control systems, electrical installation and other equipment comply with the requirements of this Article, are in satisfactory condition and are fit for the service for which the vessel is intended and that the required stability information is provided;
 - (b) the renewal survey shall include an inspection of the structure, machinery and equipment referred to in paragraph (2)(a) to ensure that they comply with the

requirements of the present regulations, are in satisfactory condition and are fit for the service for which the vessel is intended;

- (c) the intermediate survey shall include an inspection of the structure, boilers and other pressure vessels, machinery and equipment, the steering gear and the associated control systems and electrical installations to ensure that they remain satisfactory for the service for which the vessel is intended;
- (d) the annual survey shall include a general inspection of the structure, machinery and equipment referred to in paragraph (2)(a), to ensure that they have been maintained in accordance with this Act and that they remain satisfactory for the service for which the vessel is intended; and
- (e) the inspection of the outside of the vessel's bottom and the survey of related items inspected at the same time shall be such as to ensure that they remain satisfactory for the service for which the vessel is intended.

(3) The intermediate and annual surveys and the inspections of the outside of the vessel's bottom referred to in paragraphs (1)(c), (1)(d) and (1)(e) shall be endorsed on the International Fishing Vessel Safety Certificate.

Article 10

Maintenance of conditions after survey

(1) The condition of the vessel and its equipment shall be maintained to conform with the provisions of the Act to ensure that the vessel in all respects will remain fit to proceed to sea without danger to the vessel or persons on board.

(2) After any survey of the vessel under Articles 7, 8 or 9 has been completed, no change shall be made in the structural arrangements, machinery, equipment and other items covered by the survey, without the sanction of the Commission.

(3) Whenever an accident occurs to a vessel or a defect is discovered, either of which affects the safety of the vessel or the efficiency or completeness of its life-saving appliances or other

equipment, the skipper or owner of the vessel shall report at the earliest opportunity to the Commission, the nominated surveyor or recognized organization responsible for issuing the relevant certificate, who shall cause investigations to be initiated to determine whether a survey, as required by Articles 7, 8 or 9, is necessary. If the vessel is in a port of another Party to the Convention, the skipper or owner shall also report immediately to the appropriate Commission of the port State and the nominated surveyor or recognized organization shall ascertain that such a report has been made.

Article 11

Issue or endorsement of certificates

(1) A certificate called an International Fishing Vessel Safety Certificate shall be issued, except for vessels exempted under Article 3(3), after an initial or renewal survey to a fishing vessel which complies with the relevant requirements of chapters II, III, IV, V, VI, VII, VIII, IX and X of the Annex and any other relevant requirements of the present Act.

(2) The International Fishing Vessel Safety Certificate referred to in paragraph (1) shall be supplemented by a Record of Equipment.

(3) When an exemption is granted to a vessel under and in accordance with the provisions of the present regulations, except for vessels exempted under Article 3(3), a certificate called an International Fishing Vessel Exemption Certificate shall be issued in addition to the certificate prescribed in this Article.

(4) The certificates referred to in this Article shall be issued or endorsed either by the Commission or by any person or organization authorized by it. In every case, Commission shall assume full responsibility for the certificates.

Article 12

Issue or endorsement of certificates by another Party

The Commission may request a Party to cause a vessel to be surveyed and, if satisfied that the requirements of the Act are complied with, shall issue or authorize the issue of certificates to the vessel and, where appropriate, endorse or authorize the endorsement of certificates on the

vessel in accordance with the Act. The certificate so issued shall have the same force and receive the same recognition as a certificate issued under Article 11.

Article 13

Duration and validity of certificates

- (1) An International Fishing Vessel Safety Certificate shall be issued for a period specified by the Commission which shall not exceed five years. An International Fishing Vessel Exemption Certificate shall not be valid for longer than the period of the certificate to which it refers.
- (2)
 - (a) Notwithstanding the requirements of paragraph (1), when the renewal survey is completed within three months before the expiry date of the existing certificate, the new certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of expiry of the existing certificate.
 - (b) When the renewal survey is completed after the expiry date of the existing certificate, the new certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of expiry of the existing certificate.
 - (c) When the renewal survey is completed more than three months before the expiry date of the existing certificate, the new certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of completion of the renewal survey.
- (3) If a certificate is issued for a period of less than five years, the Commission may extend the validity of the certificate beyond the expiry date to the maximum period specified in paragraph (1), provided that the surveys referred to in Articles 7, 8 and 9 applicable when a certificate is issued for a period of five years are carried out as appropriate.
- (4) If a renewal survey has been completed and a new certificate cannot be issued or placed on board the vessel before the expiry date of the existing certificate, the person or organization authorized by the Commission may endorse the existing certificate and such a certificate shall be accepted as valid for a further period which shall not exceed five months from the expiry date.

- (5) If a vessel at the time when a certificate expires is not in a port in which it is to be surveyed, the Commission may extend the period of validity of the certificate but this extension shall be granted only for the purpose of allowing the vessel to complete its voyage to the port in which it is to be surveyed, and then only in cases where it appears proper and reasonable to do so. No certificate shall be extended for a period longer than three months, and a vessel to which an extension is granted shall not, on its arrival in the port in which it is to be surveyed, be entitled by virtue of such extension to leave that port without having a new certificate. When the renewal survey is completed, the new certificate shall be valid to a date not exceeding five years from the date of expiry of the existing certificate before the extension was granted.
- (6) In special circumstances, as determined by the Commission, a new certificate need not be dated from the date of expiry of the existing certificate as required by paragraph (2)(b) or (5). In these special circumstances, the new certificate shall be valid to a date not exceeding five years from the date of completion of the renewal survey.
- (7) If an annual, intermediate or periodical survey is completed before the period specified in the relevant regulations, then:
- (a) the anniversary date shown on the relevant certificate shall be amended by endorsement to a date which shall not be more than three months later than the date on which the survey was completed;
 - (b) the subsequent annual, intermediate or periodical survey required by the relevant regulations shall be completed at the intervals prescribed by these regulations using the new anniversary date; and
 - (c) the expiry date may remain unchanged provided one or more annual, intermediate or periodical surveys, as appropriate, are carried out so that the maximum intervals between the surveys prescribed by the relevant regulations are not exceeded.
- (8) A certificate issued under Articles 11 or 12 shall cease to be valid in any of the following cases:

- (a) if the relevant surveys and inspections are not completed within the periods specified under Articles 7(1), 8(1) and 9(1);
- (b) if the certificate is not endorsed in accordance with the Act; and
- (c) upon transfer of the vessel to the flag of another State. The Commission may issue a new certificate to a vessel newly acquiring the Liberian flag if the Commission is fully satisfied that the vessel is in compliance with the requirements of Articles 10(1) and 10(2).

Article 14

Forms of certificates and records of equipment

The certificates and records of equipment shall be drawn up in the form corresponding to the models given in the appendix to the Act.

Article 15

Availability of certificates

All International Fishing Vessel Safety Certificates, Fishing Vessel Exemption Certificate, and certificates issued or endorsed by a non-Flag State on the authority of the Commission shall be readily available on board for examination at all times.

Article 16

Acceptance of certificates

Certificates issued under the authority of a Party *to the Convention* shall be *deemed valid and* accepted for all purposes covered by the *Act*. They shall be regarded by the Fisheries Authority and the Commission or their designees as having the same force as certificates issued by under the authority of this Act.

Article 17

Certification and port State control

(1) Every vessel required to hold a certificate in accordance with the provisions of the this Act and any Regulation of the Commissioner promulgated in consistent with the Convention and this Act is subject, when in a port of Liberia, to control by officers duly authorized by the Government of Liberia, in so far as this control is directed towards verifying that the certificate issued under the provisions of the relevant regulations of the Convention by the Country issuing the certificate, is valid.

(2) Such certificate, if valid, shall be accepted unless there are clear grounds for believing that the condition of the vessel or of its equipment does not correspond substantially with the particulars of that certificate or that the vessel and its equipment are not in compliance with the provisions of the relevant regulations.

(3) In the circumstances given in paragraph (2) or where a certificate has expired or ceased to be valid, the officer carrying out the control shall take steps to ensure that the vessel shall not sail until it can proceed to sea or leave the port for the purpose of proceeding to the appropriate repair yard without danger to the vessel or persons on board.

(4) In the event of this control giving rise to an intervention of any kind, the officer carrying out the control shall forthwith inform, in writing, the Consul or, in his absence, the nearest diplomatic representative of the State whose flag the vessel is entitled to fly, of all the circumstances in which intervention was deemed necessary. In addition, nominated surveyors or recognized organizations responsible for the issue of the certificates shall also be notified. The facts concerning the intervention shall be reported to the Organization.

(5) If the officer concerned is unable to take steps as specified in paragraph (3) or if the vessel has been allowed to proceed to the next port of call, the port State authority concerned shall notify all relevant information about the vessel to the Party mentioned in paragraph (4) and to the Commission of the next port of call.

(6) When exercising control under this article, all possible efforts shall be made to avoid a vessel being unduly detained or delayed, in order to avoid payment of compensation for unduly detention or delayed as allowed by the Convention.

(7) This Section shall apply to all vessel as may be necessary to ensure that no more favourable treatment is given to such vessels.

Article 18

Force majeure

(1) A vessel which is not subject to this Act is not required to hold a certificate in accordance with the provisions at the time of its departure on any voyage, shall not become subject to such provisions on account of any deviation from its intended voyage due to stress of weather or any other cause of *force majeure*.

(2) Persons who are on board a vessel by reason of *force majeure* or in consequence of the obligation to carry shipwrecked or other persons shall not be taken into account for the purpose of ascertaining the application to the vessel of any provisions of the Act.

Article 19

Communication of information to the Organization

The Commission shall communicate to the Organization:

- (1) the text of laws, orders, decrees, regulations and other instruments which have been promulgated on the various matters within the scope of this Act;
- (2) a list of non-governmental agencies which are authorized to act on their behalf in matters relating to the design, construction and equipment of vessels in accordance with the provisions of this Act and the Convention; and
- (3) a sufficient number of specimens of their certificates issued under the provisions of this Act and the Convention.

Article 20

Casualties to fishing vessels

The Commission shall arrange for an investigation of any casualty occurring to any of its vessels subject to the provisions of this Act and/or the Convention, when it judges that such an investigation may assist in determining what changes in this Act or the Convention might be desirable, and supply the Organization with pertinent information concerning the findings of such investigations for circulation to all Parties.

Article 21

Privileges

The privileges of this Act shall not be claimed in favour of any vessel unless it holds appropriate valid certificates.

Article 22

Incorporating the Cape Town Convention

This Act gives full force of law to the “Cape Town Agreement of 2012 on the Implementation of Provisions of the Torremolinos Protocol of 1993 Relating to the Torremolinos International Convention for the Safety of fishing Vessels, 1977”, adopted under the auspices of the International Maritime Organization (IMO) in 2012 (hereinafter referred to as the “Cape town Agreement”)”and incorporates by reference all of the annexes, protocols and regulations of the said Cape Town Agreement.

Article 23

Promulgation of Regulations

- (1) Commission shall issue Regulations in furtherance of the Act.
- (2) Where the Act and by incorporation, the Convention, provides options for certain requirements, the Regulations so promulgated shall notify the public, the Legislature and the Organization, of the option selected by Liberia.

- (3) The Commission shall use its best effort to collaborate in all respect in order to maximize the scrupulous implantation and enforcement of this Act, through collaboration with other agencies of Government, including NaFAA, National Port Authority, Ministry of Defense, and all stateholders.
- (4) The Commission shall issue Regulations to implement all of the Annexes and Protocols of the Convention where deemed necessary.
- (5) At no time shall any regulations undermine the standards anticipated or expressed in the Convention. Any such regulation shall be null and void and without effect. Provided that in relation to any matter so specified in this Act, the Commission acting together or alone within the terms of the powers conferred upon them by the Act may make Regulations which shall have the force and effect of law.

Article 24

Implementation

- (1) This Act shall be enforced against all fishing vessels to which this Act applies.
- (2) The Commission shall be the competent authority to implement this Act.

Article 25

Sanctions

- (1) Any vessel that is found to be in violation of this Act or any regulation issued pursuant thereto shall be liable to a penalty of not to exceed US\$20,000, for which sum the vessel so navigated shall be liable and may be seized and proceeded against before any Court of competent jurisdiction in this Republic. Violation of this means any non-compliance whatsoever with the provisions of this Act of its accompanying Regulations.
- (2) The Commission may adopt regulations establishing grades of violations and associated penalties, provided such penalties do not exceed the aforementioned US\$20,000.00 for any grade, excepts same is an aggregate of a continuing or several violations.
- (3) In lieu of enforcement of this title by way of recovery of civil penalties, seizure, embargo and condemnation, and other compulsory means, the Commission may seek to obtain the voluntary compliance with this Act by way of notice, warning, or other educational

means; this Section does not, however, require that such non-compulsory methods be used before proceeding by way of compulsory enforcement.

- (4) The Court of competent jurisdiction to initiate proceedings and hear matters arising from the violation or enforcement of this Act shall be the Commercial Court of Liberia sitting in its admiralty jurisdiction. An appeal from the decision of the Commercial Court shall be cognizable before the Supreme Court of Liberia.

Article 26

Entry into force

This Act shall become effective upon the entry into force of the Convention.

ANY LAW TO THE CONTRARY NOTWITHSTANDING

APPENDIX

CERTIFICATES AND RECORD OF EQUIPMENT

- 1 Form of Safety Certificate for Fishing Vessels

INTERNATIONAL FISHING VESSEL SAFETY CERTIFICATE

This Certificate shall be supplemented by a
Record of Equipment

(Official seal) (State)

Issued under the provisions of the Cape Town Agreement of 2012 on the Implementation of the
Provisions of the Torremolinos Protocol of 1993 relating to the
Torremolinos International Convention for the Safety of Fishing Vessels, 1977
under the authority of the Government of

(name of the State)

by

(person or organization authorized)

Particulars of vessel⁽¹⁾

Name of vessel

Distinctive number or letters

Port of registry

Length (L) (regulation I/2(5))/
.....

Gross tonnage (regulation I/2(22))⁽²⁾

Sea areas in which vessel is certified to operate (regulation IX/2)

Date of building or major conversion contract

Date on which keel was laid or vessel was at a similar stage of construction in accordance with regulation I/2(1)(c)(ii) or (1)(c)(iii)

.....

Date of delivery or completion of major conversion

.....

(1)

Alternatively, the particulars of the vessel may be placed horizontally in boxes.

(2) Delete as appropriate.

THIS IS TO CERTIFY:

1.1 That the vessel has been surveyed in accordance with the requirements of regulations I/7, I/8 and I/9 of the Protocol.

1.2 That the vessel is/is not⁽²⁾ subject to annual surveys required in regulations I/7(1)(d) and I/9(1)(d) of the Protocol.

2 That the survey showed that:

2.1 the condition of the structure, machinery and equipment as defined in regulation I/9 was satisfactory and the vessel complied with the relevant requirements of chapters II, III, IV, V and VI of the Protocol (other than those relating to fire safety systems and appliances and fire control plans);

2.2 the last two inspections of the outside of the vessel's bottom took place on

..... and
.....
(date) (date)

2.3 the vessel complied with the requirements of the Protocol as regards fire safety systems and appliances and fire control plans;

2.4 the life-saving appliances and the equipment of the lifeboats, liferafts and rescue boats were provided in accordance with the requirements of the Protocol;

2.5 the vessel was provided with a line-throwing appliance and radio installations used in life-saving appliances in accordance with the requirements of the Protocol;

2.6 the vessel complied with the requirements of the Protocol as regards radio installations;

2.7 the functioning of the radio installations used in life-saving appliances complied with the requirements of the Protocol;

2.8 the vessel complied with the requirements of the Protocol as regards shipborne navigational equipment, means of pilot transfer arrangements and nautical publications;

2.9 the vessel was provided with lights, shapes, means of making sound signals and distress signals in accordance with the requirements of the Protocol and the International Regulations for Preventing Collisions at Sea in force;

2.10 in all other respects the vessel complied with the relevant requirements of the Protocol.

3 That an International Fishing Vessel Exemption Certificate has/has not⁽²⁾ been issued.

(2)

This certificate is valid until¹³⁸ subject to the annual, intermediate and periodical surveys and inspections of the outside of the vessel's bottom in accordance with regulations I/7, I/8 and I/9 of the Protocol.

Issued at

.....

(Place of issue of certificate)

.....

(Date of issue)

.....

(Signature of authorized official issuing the certificate)

(Seal or stamp of the issuing authority, as appropriate)

¹³⁸ Insert the date of expiry as specified by the Administration in accordance with regulation I/13(1) of the Protocol. The day and the month of this date correspond to the anniversary date as defined in regulation I/2(23), unless amended in accordance with regulation I/13(7).

Endorsement for annual and intermediate surveys relating to structure, machinery and equipment referred to in paragraph 2.1 of this certificate

THIS IS TO CERTIFY that, at a survey required by regulation I/9 of the Protocol, the vessel was found to comply with the relevant requirements of the Protocol.

Annual survey: Signed: (Signature of authorized official)

Place:

Date:

(Seal or stamp of the authority, as appropriate)

Annual/Intermediate⁽²⁾ survey: Signed: (Signature of authorized official)

Place:

Date:

(Seal or stamp of the authority, as appropriate)

Annual/Intermediate⁽²⁾ survey: Signed: (Signature of authorized official)

Place:

Date:

(Seal or stamp of the authority, as appropriate)

Annual survey: Signed: (Signature of authorized official)

Place:

Date:

(Seal or stamp of the authority, as appropriate)

Annual/intermediate survey in accordance with regulation I/13(7)(c)

THIS IS TO CERTIFY that, at an annual/intermediate⁽²⁾ survey in accordance with regulations I/9 and I/13(7)(c) of the Protocol, the vessel was found to comply with the relevant requirements of the Protocol.

Signed: (Signature of authorized official)

Place:

Date:

(Seal or stamp of the authority, as appropriate)

(2)

Endorsement for inspections of the outside of the vessel's bottom⁽⁴⁾

THIS IS TO CERTIFY that, at an inspection required by regulation I/9 of the Protocol, the vessel was found to comply with the relevant requirements of the Protocol.

First inspection: Signed: (Signature of authorized official)

Place:

Date:

(Seal or stamp of the authority, as appropriate)

Second inspection: Signed: (Signature of authorized official)

Place:

Date:

(Seal or stamp of the authority, as appropriate)

Endorsement for annual and periodical surveys relating to life-saving appliances and other equipment referred to in paragraphs 2.3, 2.4, 2.5, 2.8 and 2.9 of this certificate

THIS IS TO CERTIFY that, at a survey required by regulation I/7 of the Protocol, the vessel was found to comply with the relevant requirements of the Protocol.

Annual survey: Signed: (Signature of authorized official)

Place:

Date:

(Seal or stamp of the authority, as appropriate)

Annual/Periodical⁽²⁾ survey: Signed: (Signature of authorized official)

Place:

Date:

(Seal or stamp of the authority, as appropriate)

Annual/Periodical⁽²⁾ survey: Signed: (Signature of authorized official)

Place:

Date:

(Seal or stamp of the authority, as appropriate)

(4)

Provision may be made for additional inspections.

(2)

Annual survey: Signed: (Signature of authorized official)

Place:

Date:

(Seal or stamp of the authority, as appropriate)

Annual/periodical survey in accordance with regulation I/13(7)(c)

THIS IS TO CERTIFY that, at an annual/periodical⁽²⁾ survey in accordance with regulations I/7 and I/13(7)(c) of the Protocol, the vessel was found to comply with the relevant requirements of the Protocol.

Signed:

(Signature of authorized official)

Place:

Date:

(Seal or stamp of the authority, as appropriate)

Endorsement for periodical surveys relating to radio installations referred to in paragraphs 2.6 and 2.7 of this certificate

THIS IS TO CERTIFY that, at a survey required by regulation I/8 of the Protocol, the vessel was found to comply with the relevant requirements of the Protocol.

Periodical survey: Signed: (Signature of authorized official)

Place:
Date:

(Seal or stamp of the authority, as appropriate)

Periodical survey: Signed: (Signature
of authorized official)

Place:
Date:

(Seal or stamp of the authority, as appropriate)

Periodical survey: Signed: (Signature
of authorized official)

Place:
Date:

(Seal or stamp of the authority, as appropriate)

(2)

Periodical survey: Signed: (Signature
of authorized official)

Place:
Date:

(Seal or stamp of the authority, as appropriate)

Periodical survey in accordance with regulation I/13(7)(c)

THIS IS TO CERTIFY that, at a periodical survey in accordance with regulations I/8 and I/13(7)(c) of the Protocol, the vessel was found to comply with the relevant requirements of the Protocol.

Signed:
(Signature of authorized official)
Place:
Date:

(Seal or stamp of the authority, as appropriate)

Endorsement to extend the certificate if valid for less than 5 years where regulation I/13(3) applies

The vessel complies with the relevant requirements of the Protocol, and this certificate shall, in accordance with regulation I/13(3) of the Protocol, be accepted as valid until

Signed:

(Signature of authorized official)

Place:

Date:

(Seal or stamp of the authority, as appropriate)

Endorsement where the renewal survey has been completed and regulation I/13(4) applies

The vessel complies with the relevant requirements of the Protocol, and this certificate shall, in accordance with regulation I/13(4) of the Protocol, be accepted as valid until

Signed:

(Signature of authorized official)

Place:

Date:

(Seal or stamp of the authority, as appropriate)

Endorsement to extend the validity of the certificate until reaching the port of survey or for a period of grace where regulation I/13(5) applies

The certificate shall, in accordance with regulation I/13(5) of the Protocol, be accepted as valid until

Signed:
(Signature of authorized official)

Place:

Date:

(Seal or stamp of the authority, as appropriate)

Endorsement for advancement of anniversary date where regulation I/13(7) applies

In accordance with regulation I/13(7) of the Protocol, the new anniversary date is

Signed:
(Signature of authorized official)

Place:

Date:

(Seal or stamp of the authority, as appropriate)

In accordance with regulation I/13(7) of the Protocol, the new anniversary date is

Signed:
(Signature of authorized official)

Place:

Date:

(Seal or stamp of the authority, as appropriate)

INTERNATIONAL FISHING VESSEL EXEMPTION CERTIFICATE

(Official seal) (State)

Issued under the provisions of the
Cape Town Agreement of 2012 on the Implementation of the Provisions of the Torremolinos
Protocol of 1993 relating to the
Torremolinos International Convention for the Safety of Fishing Vessels, 1977

under the authority of the Government of

.....
(name of the State)

by
(person or organization authorized)

Particulars of vessel⁽¹⁾

Name of vessel
Distinctive number or letters Port
of registry
Length (L) (regulation I/2(5))/
Gross tonnage (regulation I/2(22))⁽²⁾

THIS IS TO CERTIFY:

That the vessel is, under the authority conferred by regulation
exempted from the requirements of

Conditions, if any, on which the Exemption Certificate is granted:

This certificate is valid until subject
to the International Fishing Vessel Safety Certificate, to which this certificate is attached,
remaining valid.

Issued at
(Place of issue of certificate)

.....
(Date of issue)

.....
(Signature of authorized official
issuing the certificate)

(Seal or stamp of the issuing authority, as appropriate)

(1)

Alternatively, the particulars of the ship may be placed horizontally in boxes.

(2) Delete as appropriate.

Endorsement to extend the certificate if valid for less than 5 years where regulation I/13(3) applies

This certificate shall, in accordance with regulation I/13(3) of the Protocol, be accepted as valid until subject to the International Fishing Vessel Safety Certificate, to which this certificate is attached, remaining valid.

Signed:
(Signature of authorized official)

Place:

Date:

(Seal or stamp of the authority, as appropriate)

Endorsement where the renewal survey has been completed and regulation I/13(4) applies

This certificate shall, in accordance with regulation I/13(4) of the Protocol, be accepted as valid until subject to the International Fishing Vessel Safety Certificate, to which this certificate is attached, remaining valid.

Signed:
(Signature of authorized official)

Place:

Date:

(Seal or stamp of the authority, as appropriate)

Endorsement to extend the validity of the certificate until reaching the port of survey or for a period of grace where regulation I/13(5) applies

The certificate shall, in accordance with regulation I/13(5) of the Protocol, be accepted as valid until subject to the International Fishing Vessel Safety Certificate, to which this certificate is attached, remaining valid.

Signed:

(Signature of authorized official)

Place:

Date:

(Seal or stamp of the authority, as appropriate)

3 Form of Supplement to the International Fishing Vessel Safety Certificate

**RECORD OF EQUIPMENT FOR THE
INTERNATIONAL FISHING VESSEL SAFETY CERTIFICATE**

This Record shall be permanently attached to the International Fishing Vessel Safety Certificate.

**RECORD OF EQUIPMENT FOR COMPLIANCE WITH THE
CAPE TOWN AGREEMENT OF 2012 ON THE IMPLEMENTATION OF THE
PROVISIONS
OF THE TORREMOLINOS PROTOCOL OF 1993 RELATING TO THE TORREMOLINOS
INTERNATIONAL CONVENTION FOR THE SAFETY OF FISHING VESSELS, 1977**

1 Particulars of vessel

Name of vessel

Distinctive number or letters

Port of registry

Length (L) (regulation I/2(5))/
Gross tonnage (regulation I/2(22))⁽¹⁾

2

Details of life-saving appliances

1	Total number of persons for whom life-saving appliances are provided	.....
		Port side	Starboard side
2	Total number of lifeboats	.....	.....
2.1	Total number of persons accommodated by them	.....	.....
2.2	Number of partially enclosed lifeboats (regulation VII/18)	.....	.....
2.3	Number of totally enclosed lifeboats (regulation VII/19)	.....	.....

⁽¹⁾ Delete as appropriate.

3	Number of rescue boats	.....
3.1	Number of boats which are included in the total lifeboats shown above	.....
4	Liferafts	.....
4.1	Those for which approved launching appliances are required	.....
4.1.1	Number of liferafts	.....

4.1.2	Number of persons accommodated by them	.....
4.2	Those for which approved launching appliances are not required	.....
4.2.1	Number of liferafts	.....
4.2.2	Number of persons accommodated by them	.....
5	Number of lifebuoys	.....
6	Number of lifejackets	.....
7	Immersion suits	.....
7.1	Total number	.....
7.2	Number of suits complying with the requirements for lifejackets	.....
8	Number of thermal protective aids ⁽²⁾
9	Radio installations used in life-saving appliances	.....
9.1	Number of radar transponders	.....
9.2	Number of two-way VHF radiotelephone apparatus	.....

(2)

Excluding those required by regulations VII/17(8)(xxxi), VII/20(5)(a)(xxiv) and VII/23(2)(b)(xiii).

3 Details of radio facilities

	Item	Actual provision
1	Primary systems	
1.1	VHF radio installation:	
1.1.1	DSC encoder	.....
1.1.2	DSC watch receiver	.....
1.1.3	Radiotelephony	.....
1.2	MF radio installation:	
1.2.1	DSC encoder	.....
1.2.2	DSC watch receiver	.....
1.2.3	Radiotelephony	.....
1.3	MF/HF radio installation:	
1.3.1	DSC encoder	.....
1.3.2	DSC watch receiver	.....
1.3.3	Radiotelephony	.....
1.3.4	Direct-printing radiotelegraphy	.....
1.4	INMARSAT ship earth station	.....
2	Secondary means of alerting	.....
3	Facilities for reception of maritime safety information	
3.1	NAVTEX receiver	.....
3.2	EGC receiver	.....
3.3	HF direct-printing radiotelegraph receiver	.....
4	Satellite EPIRB	
4.1	COSPAS-SARSAT	.....
4.2	INMARSAT	.....
5	VHF EPIRB	.....

