

**PROTOCOL ON THE IMPLEMENTATION OF THE AGREEMENT ON
FISHERIES AND AQUACULTURE COOPERATION BETWEEN THE
GOVERNMENT OF THE REPUBLIC OF SENEGAL AND THE
GOVERNMENT OF THE REPUBLIC OF LIBERIA**

Preamble

In accordance with the provisions of the Agreement on Fisheries and Aquaculture Cooperation between the Government of the Republic of Senegal and the Government of the Republic of Liberia, signed at *DAKAR*.

The Parties have agreed as follows:

Article I.- Objectives

- 1) This Protocol shall be established in accordance with the provisions of the Agreement between the Government of the Republic of Senegal and the Government of the Republic of Liberia on fisheries and aquaculture.
- 2) It shall specify the practical arrangements for the implementation of the cooperation, in accordance with Article 2 of the Agreement.

Article 2.- Conditions for the practice of artisanal and semi-industrial fishing

- 1) In the framework of this Protocol the definition of artisanal and semi-industrial fishing vessels are:
 - a) "Artisanal fishing vessel" means any fishing vessel, canoe or un-decked vessel of not more than fifteen (15) meters which is motorised or un-motorised, powered by an outboard or inboard engine of not more than 40 horsepower, sails or paddles, and is used for artisanal fishing.
 - b) "Semi-industrial fishing vessel" means a "decked or undecked fishing vessel" with a length overall of not more than 20 meters,, less than 50 GRT and powered by engines between 40HP and 100HP, or any powered vessel below 40HP that is fitted with mechanical fishing equipment and "semi-industrial fishing" have a corresponding meaning.
- 2) Artisanal and Semi-industrial fishing in the waters under jurisdiction in Liberia should be allowed under the same conditions as its nationals.

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- 3) Artisanal and Semi-industrial fishing should be exercised by fishermen who fulfilled conditions laid down in this Protocol and in accordance with the regulations in force in Liberia.

Article 3.- Conditions for the practice of industrial fishing

1. Ship-owners must produce all documents justifying the technical characteristics of the vessels, in particular the duly authenticated certificate of nationality.
2. Vessels fishing under this Protocol shall be obliged to take on board an observer, to fill in the fishing logbook and to transmit the catch statistics, in accordance with the instructions of the Competent Authority of Liberia. In the case of tuna vessels, 15 percent of Liberian Observer coverage shall apply, where practical.
3. Ship-owners shall take all appropriate measures to ensure compliance with the provisions of the regulations in force governing fishing activities in the exclusive economic zone of Liberia, in particular, on areas or fishing gears and authorized species.
4. Vessels operating under this Protocol, in waters under the jurisdiction of Liberia, shall be equipped with a satellite-based detection system to ensure automatic and continuous communication of their positions, to the Competent Authority of Liberia.
5. Vessels shall communicate to the supervisory bodies in both States for controlling, monitoring and surveillance, all information on their catches and positions, in accordance with frequencies established by them, in particular at the time of their entries and exits of waters under the jurisdiction of Liberia.
6. The replacement or substitution of a vessel is authorized in the event of a stoppage of activities due to force majeure.
7. Fishing opportunities as indicated in Article 5 (2a& b) shall be considered as experimental fishing, until the full status of these fisheries are known through stock assessment.
8. Considering the nature of Bait Boats fishing, certain number of artisanal or semi-industrial vessels will be authorized by the Competent Authority to provide live baits at sea.
9. For the first year of this protocol the total number of vessels indicated in Article 5 (2) shall not be obligated to apply for license. After the first year of this Protocol, the joint committee shall evaluate the productivity of the fisheries and

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agree on the total number of vessels in Article 5 (2) that will be mandated for license for the rest of the Protocol period.

10. Any change in the fisheries regulations of Liberia shall be communicated to Senegal through its fisheries Authority and shall apply to this Protocol four (4) months after notification.

Article 4.- Processes for delivering fishing licenses

- 1) The procedures for applying for and issuing fishing licenses are as follows:
 - a) the competent authority of Senegal shall submit to the competent authority of Liberia, an application for vessels wishing to fish under this Protocol, not less than thirty (30) days before the date of beginning of Validity wished;
 - b) applications are submitted in accordance with the forms provided for this purpose by Liberia authority Liberia shall conduct annually a pre-licensing inspection of all vessels that application have been submitted for at place indicated by the ship owner and at the expense of the vessel owner.
 - c) All the vessels/ companies under this protocol shall be represented by a local Liberian agent/ agency.
- 2) Under this Protocol, Liberia shall grant fishing licenses only to vessels legally recognized by the maritime authorities of Senegal and the fisheries authority of Liberia in accordance with the spirit of Article 4 of the Agreement.

Article 5.- Fishing opportunities

During the period of validity of this Protocol, Liberia has agreed to allocate fishing opportunities to Senegal as follows:

1. Artisanal and semi-industrial
 - a) 100 Artisanal canoes per annum
 - b) 200 of semi-industrial vessels per annum
2. Industrial vessels
 - a) A total capacity of 2000 GRT shall be granted for the shrimp fisheries. Only 5 vessels per year for coastal shrimp trawlers with capacity per vessel not exceeding 250 GRT shall be granted to fish from 4 NM and above;
 - b) 4 vessels per year for coastal or cephalopod demersal trawlers with capacity per vessel not exceeding 250 GRT shall be granted to fish from 4 NM and above;
 - c) 4 vessels per annum, for fish demersal trawlers;

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- d) 2000 GRT per year for coastal pelagic fishing;
- e) 30 vessels per year for tuna fishing and 10 support vessels.

Article 6.- Payments

- 1) License fees for vessels fishing under this Protocol shall be those fixed for national industrial fishing vessels of Liberia. Every year the Liberian authority shall provide Senegal with the approved fish price list.
- 2) Artisanal and semi-industrial vessels shall pay a flat license fees as follows:
 - a) US\$1000 per year for artisanal canoes
 - b) US\$1500 per year for semi-industrial canoes
- 3) The licenses are issued for a period of one calendar (1) year.

Article 7: Cooperate Social Responsibility

10% of the total access fees shall be added as Cooperate Social Responsibility (CSR) to the access fees, such fund shall be accounted for by Liberia through annual report during the Joint Committee meeting.

Article 8.- Fishing zones and Mesh Size

The authorized fishing zones and minimum mesh size are those prescribed by the regulations in force for each type of fishing in Liberian waters.

Article 9.- Declaration of catches

- 1) All fishing vessels licensed under this Protocol shall be obliged to communicate to Liberia catch report conforming to the model of Liberia.
- 2) Catch declarations shall be submitted to the fisheries Authority of Liberia at the end of each fishing trip and in all cases before the end of the following month.
- 3) When the owner of the vessel; holding a license issued under this Protocol, violates the above provisions, the fisheries Authority of Liberia may suspend the said license until its situation is regularized. The license may be withdrawn if the irregularity of the situation of the concerned vessel exceeds six (6) months.

Article 10.- Landing of catches

- 1) When dedicated fisheries port infrastructure become fully functional 40% of the catch shall be landed in Liberia for processing and some part for local sale. Export fees shall apply to the portion of the catch that is exported.

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- 2) In the case of artisanal canoes all the catches shall be landed in Liberia, while semi-industrial canoes shall not be mandated to land their catches in Liberia.

Article 11.- Boarding of observer

- 1) Except for tuna vessels that are provided for in Article 3(2), each industrial fishing vessel shall be provided with an observer designated by the fisheries Authority of Liberia.
- 2) Industrial fishing vessels, authorized to carry out their activities under this Protocol, shall be obliged to pay an observer fee and associated expenses in respect to the embarking and disembarking of the observer, an amount corresponding to the rates and conditions in force in Liberia.

Article 12.- Boarding of seamen

- 1) A ship-owner who is licensed under this Protocol shall take on board Liberian seamen in the following proportions:
 - a) three (03) seamen by vessels of 300 Gross Tonnage or less;
 - b) Four (04) seamen by vessels of more than 300 Gross Tonnage.
- 2) The wages of such seamen shall be determined under the same conditions as for nationals of the same function.

Article 13: Arrest of Vessel

- 1) Liberia shall notify Senegal within three working days, any arrest or violation by a Senegalese vessel holding a license issued under this Protocol. This notification shall be accompanied by evidence of offense complained of.
- 2) Before taking any action against the vessel, master, crew or cargo with the exception of measures for the preservation of evidence, Liberia shall organize within two days after the notification of the boarding, an information meeting to clarify the facts that led to the stopping of the vessel and to explain the possible consequence. Two representative from Senegal may attend this information meeting

Article 14.- Training

- 1) Senegal agrees to receive citizens of Liberia in its training schools (training centers on fisheries and aquaculture and maritime training schools), according to the conditions of admission of such institutions.
- 2) The competent structures may organize study journeys and meetings to exchange experiences in the following fields:
 - a) supervision and financing of artisanal fisheries;
 - b) socio-economy of artisanal fisheries / economic observatory of fisheries;

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- c) collection and processing of fishery statistics;
- d) quality control of fishery and aquaculture products, approval of factories (standardization, quality control, certification, etc.);
- e) fisheries management;
- f) monitoring, control and surveillance: training of inspectors in methods and techniques for controlling vessels and fishing gears;
- g) management of seamen;
- h) development of aquaculture.

Article 15.- Fishery research

- 1) Parties should carry out a scientific research program, deepen their relationships at the level of their national research institutions and setup protocol for scientific cooperation in order to support them in their policy on the exploitation and sustainable management of marine resources.

- 2) This cooperation framework covers the following main areas:
 - a) assessment of shared stocks;
 - b) biology of species of common interest;
 - c) study and monitoring of the parameters of river, coastal and marine environment;
 - d) quality of fishery and aquaculture products;
 - e) statistical and socio - economic monitoring of fishery (joint framework surveys, etc.);
 - f) organization of working groups for the joint analysis of data on shared stocks and on the river, coastal and marine environment.

Article 16.- Fisheries Monitoring and Security

- 1) The supervisory structures in the two States must regularly organize combined operations within the outline of the implementation of a protocol on the coordination of fisheries surveillance operations and the right of maritime pursuit.
- 2) In the agenda of information and training, the two supervisory structures shall exchange technical staffs in order to harmonize supervisory procedures.
- 3) The two structures provide mutual assistance in search and rescue at sea, and regularly exchange information on safety at sea, particularly artisanal fishing.
- 4) To effectively prevent and combat illegal, unreported and unregulated fishing, the two structures define the appropriate mechanisms and undertake the necessary actions, in particular by exchanging information on vessels fishing in their respective exclusive economic zones.

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- 5) Both structures ensure wide dissemination and popularization of fisheries laws and regulations in force in States.
- 6) The Parties shall provide human, material and financial resources for the implementation of the cooperation program in the field of fisheries surveillance.
- 7) The conditions for the use of these means are fixed at the annual meeting of the Joint Committee.

Article 17: Quality Control and Health Certification

- 1) Imported, exported or circulation fish products in one of the States shall have a health certification issued by the Competent Authority of the country of origin.
- 2) The government of the two parties are committed to facilitating the free circulation of products, notwithstanding the pertinent measures of ECOWAS. They agree to cooperate and exchange information related to trading of fisheries products and aquaculture.
- 3) The Senegalese side affirms its desire to support the Competent Authority of Liberia to international export authorization

Article 18: Development of Aquaculture

- 1) The parties are committed to promote cooperation in the area of aquaculture through the:
 - a) Exchange of scientific information and technics;
 - b) Organization of expert visits and producers;
 - c) Organization of conferences and training workshops;
 - d) Implementation of joint aquaculture projects.
- 2) Senegal affirms its will to support the Competent Authority of Liberia for the establishment of institutional, legal and statutory mechanisms favorable for the promotion of aquaculture.

Article 19.- Development of Partnership

- 1) The Parties shall take measures to promote partnership and trade between their economic operators. A framework for consultation, exchange and promotion of business shall be set up within the Joint Committee prescribed in Article 11 of the Agreement.
- 2) Concerns raised by representatives of professional organizations shall be examined with due diligence by the competent authorities of the two States.

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Article 20.- Dispute Resolution

- 1) In the event of a dispute concerning the interpretation or application of the provisions of this Protocol, the Joint Committee shall meet, at the request of one of the States, to settle it amicably.
- 2) In case of disagreement within the Committee, the dispute shall be submitted to arbitration by the fisheries Authorities of the two States.

Article 21.- Duration and entry into force

- 1) This Protocol is concluded for a period of five (5) years from the date of signature. It may be renewed for the same period.
- 2) It may be denounced by one of the Parties and the denunciation shall take effect three (3) months after notification to the other Party.
- 3) This Protocol is signed in duplicate in the English and French languages, both versions being equally authentic.

Done aton 2019

For the Government of the
Republic of Senegal



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