



NEAR EAST UNIVERSITY
INSTITUTE OF GRADUATE STUDIES

FACULTY OF LAW
DEPARTMENT OF INTERNATIONAL LAW

THE LEGAL IMPACT OF MARITIME SECURITY IN LIBERIA

LLM. THESIS

CODY-MAX TENISE JAPPAH

NICOSIA

SEPTEMBER, 2023

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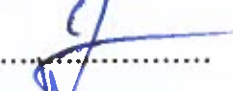

NICOSIA
SEPTEMBER, 2023

APPROVAL

We certify that we have read the thesis submitted by CODY-MAX TENISE JAPPAH titled “THE LEGAL IMPACT OF MARITIME SECURITY IN LIBERIA” and that in our combined opinion it is fully adequate, in scope and in quality, as a thesis for the degree of Master of International Law.


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DECLARATION

I, Cody-Max Tenise Jappah, declare that this dissertation entitled '**The Legal Impact of Maritime Security in Liberia**' has been prepared under the guidance and supervision of Assist. Dr. Ayten Ercoban, in partial fulfillment of the Near East University, Graduate School of Social Sciences regulations and does not to the best of my knowledge breach and Law of Copyrights and has been tested for plagiarism and a copy of the result can be found in the Thesis.

Cody-Max Tenise Jappah

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Day/Month/Year

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I would want to start by giving thanks to God Almighty, from whom all blessings flows. Secondly, I want to thank my parents especially mother (Ms. Susan M. Benson) and Aunt Iola F. Benson for their tireless efforts to assure a better learning environment. Much appreciation to my late grandmother (Iola Dickerson Massaquoi Benson) for her nurturing at my beginner levels. In regards to my late brother and friend Mr. Clint Paawah Layweh for his encouragement in my difficult times. Much appreciations my cousins Mr. Chester M. Massaquoi, Augustine Teah Jappah and my friends Abralyn El'dine. Prince W. Kun, Abraham J. Wennah, Sonkarlay Myers and Daniel T. Gongar.

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Cody-Max Tenise Jappah

ABSTRACT:**THE LEGAL IMPACT OF MARITIME SECURITY IN LIBERIA****Jappah, Cody-Max Tenise****Dr. Ayten Erçoban****LLM, Department of International Law****September 2023, pages 117**

The Liberia Maritime Authority (LMA) is recognized as being among the most prominent ship registries in the entire globe. Both the global registration of ships and the management of vessels flying the Liberian flag are under its purview. In addition to this, it is responsible for the registration of any ships flying any other flag. The government of Liberia has implemented a wide range of reforms in recent years in order to strengthen the country's maritime defenses. One of these steps was the establishment of the Liberian Coast Guard, which is charged with protecting Liberia's territorial waterways, enforcing maritime laws, and preventing illegal maritime activities such as piracy and illegal fishing. It has ratified the International Ship and Port Facility Security Code (ISPS Code) and takes part in activities that aim to improve regional security. In addition to that, it has given its approval to the International Aviation Security Code. The Liberia Maritime Authority is in charge of monitoring all maritime activity in the country's navigable waterways. This is done so that they can keep an eye on a number of problems that have raised concerns, such as piracy, illicit fishing, and smuggling. It is the responsibility of the Liberia Maritime Authority to fulfill this requirement.

The government has shown that it is committed to improving maritime security by ratifying a number of international accords and working closely with a number of foreign partners in order to improve the security of maritime transportation. These actions were taken in an effort to make maritime travel more secure. The Liberian Maritime Authority (LMA) is the government agency that is tasked with ensuring that all vessels flying the Liberian flag comply with the rules that govern the process of registering those vessels and inspecting their cargo. To ensure that the provisions of the United Nations Convention

on the Law of the Sea (UNCLOS) are carried out as intended, the international community must cooperate. In order to ensure the security of vessels flying the Liberian flag, the government of Liberia is obligated to comply with the regulations that have been set forth by the International Maritime Organization (IMO). All vessels that are registered under Liberia's jurisdiction will be required to install a Safety Management System (SMS) that was developed by Liberia. These steps would strengthen maritime security and help create an atmosphere that is safer for the country's residents as well as people living in other parts of the world.

Keywords: Liberia, United Nations, Law, Sea, Maritime, Organizations, Liberian Flag

SOYUT:**LİBERYA'DA DENİZ GÜVENLİĞİNİN HUKUKİ ETKİSİ****Jappah, Cody-Max Tenise****Dr. Ayten Erçoban****LLM, Uluslararası Hukuk Bölümü****Eylül 2023, sayfa 117**

Liberya Denizcilik Otoritesi (LMA), dünyanın en önde gelen gemi sicillerinden biri olarak kabul edilmektedir. Liberya bayrağı taşıyan gemileri kontrol etmenin yanı sıra dünyanın her yerindeki gemileri kayıt altına almaktan sorumludur. Ayrıca, diğer bayrakları taşıyan gemilerin kayıt altına alınmasından da sorumludur. Liberya hükümeti, ülkenin deniz güvenliği seviyesini artırmak için bir dizi adım attı. Bu adımlardan biri, Liberya'nın karasularının korunması, denizcilik düzenlemelerinin uygulanması ve denizde korsanlık ve yasa dışı balıkçılık gibi yasadışı faaliyetlerin önlenmesi ile görevli Liberya Sahil Güvenlik'in kurulmasıydı. Uluslararası Gemi ve Liman Tesisi Güvenliği (ISPS) Kodunu onaylamıştır ve bölgesel güvenliği artırmaya yönelik faaliyetlerde yer almaktadır. Ayrıca Uluslararası Havacılık Güvenlik Kodunu da onaylamıştır. Liberya Deniz Otoritesi, korsanlık, yasadışı balıkçılık ve kaçakçılık da dahil olmak üzere endişe uyandıran çeşitli konulara göz kulak olmak için ülkenin seyrüsefere elverişli sularındaki tüm deniz faaliyetlerini izlemekle görevlidir. Bu sorumluluk, Liberya Denizcilik Otoritesi'nin yetki alanına girmektedir.

Deniz yolculuğunun güvenliğini artırma çabası içinde hükümet, bir dizi uluslararası anlaşmayı onaylayarak ve bir dizi yabancı ortakla yakın çalışarak deniz güvenliğini artırma taahhüdünü göstermiştir. Liberya Denizcilik Otoritesi (LMA), Liberya bayrağını taşıyan gemilerin kayıt ve denetimine ilişkin tüm düzenlemelere uyulmasını sağlamakla görevlidir. BM Deniz Hukuku Sözleşmesi (BMDHS), hükümlerini yürürlüğe koymak için uluslararası toplumun işbirliği yapmasını şart koşuyor. Liberya bayrağı taşıyan gemilerin güvenliğini sağlamak için Liberya hükümeti, Uluslararası Denizcilik Örgütü (IMO) tarafından belirlenen düzenlemelere uymakla yükümlüdür. Liberya'nın yetkisi

altında kayıtlı tüm gemilerin, Liberya tarafından geliştirilen bir güvenlik yönetim sistemi (SMS) kurması gerekecek. Bu adımlar deniz güvenliğini güçlendirecek ve hem ülke sakinleri hem de dünyanın başka yerlerinde yaşayan insanlar için daha güvenli bir atmosfer yaratılmasına yardımcı olacaktır.

Anahtar kelimeler: Liberya, Birleşmiş Milletler, Hukuk, Deniz, Denizcilik, Örgütler, Liberya Bayrağı

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LIST OF ABBREVIATIONS

AU :African Union

BMPs :Best Management Practices

CSC :Convention for Safe Containers

COLREGs :Convention on the International Regulations for Preventing Collisions at Sea

CECAF : Committee for the Eastern Central Atlantic Fisheries

CMI :Comité Maritime International

CCRF :Code of Conduct for Responsible Fisheries

CECAF :Committee for the Eastern Central Atlantic Fisheries

COMHAFAT :Conference on Fisheries Cooperation among African States Bordering the Atlantic Ocean

ECOWAS : Economic Community of West African States

EU : European Union

EUMSS:European Union Maritime Security Strategy

FAO : Food Agriculture Organization

FAPS : Food and Agriculture Policy and Strategy

FCWC :Fishery Committee for the West Central Gulf of Guinea

GMDSS : Global Maritime Trouble and Safety System

HR : High-Risk Ship

ISM : International Safety Management

ICJ : International Court of Justice

IMO : International Maritime Organization

ISPS :. International Ship and Port Facility Security

ITLOS : International Tribunal on the Law of the Sea

ICCAT : International Convention for the Conservation of Atlantic Tunas

LLC: Limited Liability Company

LMA : Liberia Maritime Authority

LSC : Liberian Ship-owners Council

LISCR: Liberian International Ship and Corporate Registry

LRS : Low-risk ship

MLC : Maritime Labor Convention

MRU : Mano River Union

MoU : Memorandum of Understanding

MTS : Maritime Transportation System

MARPOL: Convention for the Prevention of Pollution from Ships

MS : Motor Ship

NATO : North Atlantic Treaty Organization

NIR : Inspection Regime

RMS : Royal Mail Ship

RFBs : Regional Fisheries Bodies

RLM : Liberia Maritime Regulation

SMS : Safety Management System

SOLAS : Safety of Life at Sea

STCW : Standards for Training, Certification, and Watch-keeping for Seafarers

UK : United Kingdom

USA : United States of America

UN : United Nations

UNCLOS : United Nations Convention of the Law of Sea

CHAPTER I

1.1 Introduction

The all-encompassing concept known as "maritime security" encompasses the interior and the outside safety of ships and other watercraft. Ships and operations at sea need to be safeguarded against a variety of dangers, including trafficking in contraband, people smuggling, piracy, shoplifting, illicit fishing, and environmental degradation.¹ Through the utilization of monitoring, the maritime sector takes all necessary steps to ensure maximum security, including evaluation and preventive measures. Lessen the risks to maritime security, regardless of whether or not those risks are caused intentionally or unintentionally. In addition, as the market as the maritime sector develops and changes, it is mandated by law that monitoring, regulation, and training keep up with new technology developments as well as the growing chances for risk. This is because both the market and the maritime industry are growing at a rapid rate. Liberia has a substantial maritime sector as a result of its situation on the western coast of Africa, with access to the Atlantic Ocean and a coastline that runs for more than 500 kilometers. According to the law, the Liberia Maritime Authority (LMA) is recognized as one of the largest ship registries globally. In accordance with international law, the LMA, established in 1948, is responsible for registering and administrating vessels that hoist the Liberian flag. Ship owners shall be entitled to a range of benefits from the register, which include low registration fees, favorable tax treatment, and a streamlined registration process. The maritime industry of Liberia is a crucial contributor to the economy of the country, producing substantial revenue from registration charges and other services related to maritime activities. Shipping companies and maritime service providers based in the country will employ thousands of people and contribute to the overall economy. The Liberian maritime sector needs to follow stringent labor and security requirements. The use of Liberia as a flag of convenience by ship owners is prohibited. The Liberia Maritime

¹ Peckham, C., 2012, November. *An overview of maritime and port security. In 2012 IEEE Conference on Technologies for Homeland Security (HST) (pp. 260). IEEE.*

Authority (LMA) has enacted laws and regulations to prevent abuses and enhance safe and secure working conditions on ships registered under the Liberian flag.

Therefore, the protection of maritime security is accorded a high level of importance in the Liberian government's agenda for national security. The Liberian government has taken several actions to increase maritime security in the nation starting in 2010, including the establishment of the Liberian Coast Guard as one of those steps. The Liberian Coast Guard is responsible for protecting Liberia's territorial waterways, enforcing maritime laws, and preventing unlawful activities such as piracy, and illegal fishing, Except for smuggling as a behavior. The International Ship and Port Facility Security (ISPS) Code agreement, which governs maritime security and which Liberia has signed on to together with the United States Coast Guard and countless other international maritime security pacts, is a legally enforceable instrument. Liberia has also signed on to numerous other international maritime security pacts. This rule sets the minimal security standards that must be adhered to by ships and other facilities associated with ports.² The Gulf of Guinea Commission and the Maritime Organization of Central and West Africa (MOWCA) are two examples of initiatives in which Liberia is a participant that aims to strengthen regional security.³ Piracy, smuggling, and illegal fishing are just a few of the many problems that have recently contributed to a significant increase in the level of concern regarding Liberia's maritime security. The country is vulnerable to these security concerns as a result of the extensive coastline it possesses as well located on Africa's west coast. Liberia has improved its maritime security in many ways in answer to the problems caused by these things. As a component of the newly established Maritime Security Program for the nation, the Liberian Coast Guard has been given the responsibility of patrolling the country's waterways and enforcing maritime laws and regulations. The Liberia Maritime Authority, responsible for overseeing maritime activity in Liberia's national waterways, also appears on the show. In addition, Liberia has ratified several international pacts aimed

²*The International Ship and Port Facility (isps) code' (no date) Maritime Work Law Fundamentals: Responsible Shipowners, Reliable Seafarers, pp. 665–706. Doi: 10.1007/978-3-540-72751-4_6.*

³*Onuoha, F.C., 2013. Piracy and maritime security in the Gulf of Guinea: Trends, concerns, and propositions. The Journal of the Middle East and Africa, 4(3), pp.267-293.*

at enhancing the security of its maritime boundaries. To give you an example, the government has acceded to Standards for protecting the criteria for the protection of ships and port facilities established by the International Ship and Port Facility Security (ISPS) Code. Liberia's maritime surveillance capabilities have also been enhanced thanks to joint work with a wide range of foreign stakeholders, most notably the European Union and the United States of America. As an example, consider the United States, which has helped the Liberian Coast Guard by providing them with training and equipment to better police Liberia's waterways.⁴ Even though there have been attempts, Liberia's Maritime security continues to have its share of challenges. In the absence of necessary infrastructure and resources, these difficulties are exacerbated by the existence of transnational criminal organizations involved in crimes like drug trafficking and piracy. The Liberian government is still actively collaborating alongside its international partners to tackle the issues that have been identified and to bolster the country's maritime security.

To address these issues, Liberia has taken several measures to improve its maritime security. The country has established a Maritime Security Program that includes the Liberian Coast Guard, which is responsible for patrolling Liberian waters and enforcing maritime laws. The program also includes the Liberia Maritime Authority, which is responsible for regulating maritime activities in Liberia's territorial waters.⁵

Liberia has additionally improved maritime security by signing various international agreements have been made recently. For instance, the nation has ratified the International Ship and Port Facility Security Code (ISPS Code), also known as a document that specifies the steps to be done to increase the security of maritime transportation and port facilities globally.⁶

⁴ Liberia, U.S.M. (2016) *U.S. government donates US\$2.2 million in equipment and facilities to the Liberian Coast Guard*, U.S. Embassy in Liberia. Available at: <https://lr.usembassy.gov/u-s-government-donates-us2-2-million-in-equipment-and-facilities-to-the-liberian-coast-guard/> (Accessed: 26 May 2023).

⁵ McConnell, M., Devlin, D., and Doumbia-Henry, C. (5 May. 2011). *The Maritime Labour Convention, 2006*, Leiden, The Netherlands: Brill | Nijhoff. Available From: Brill <https://doi.org/10.1163/ej.9789004183759.i-708> [Accessed 5 May 2023].pp.80-85

⁶ Mensah, Thomas A. "The place of the ISPS Code in the legal international regime: For the security of international shipping." *WMU Journal of Maritime Affairs* 3 (2004): pp.17-30.

Additionally, Liberia has improved its maritime security capabilities through collaborative efforts with various foreign partners, including the European Union and the United States of America, for instance, has given the Liberian Coast Guard training and equipment to help them become more efficient in their monitoring of Liberian waterways necessary equipment.

Even if there have been efforts in this direction, Liberia's maritime security is nevertheless plagued with challenges. A lack of infrastructure and resources, as well as the presence of transnational criminal groups involved in activities such as drug smuggling and piracy, are all factors that contribute to these challenges. The government of Liberia continues to maintain its partnership with its international partners in order to address these challenges and improve the country's overall maritime security.

Recent events as well as those that occurred in the past have demonstrated that pirates, robbers, and hostage-takers can be a danger to corporate ships, as well as the crews who man them. However, terrorists and hackers pose a threat not only to military vessels but also to commercial ships and their crews. Victims of these crimes include not only the ships themselves but also the crew members who serve aboard them. According to the government of Liberia, compliance with The ISPS Code, which governs international ship and port security, the likelihood that Liberian vessels and their crews will be subjected to attacks or other forms of illegal activity? In addition to this, there will be a decreased potential for acts of violence and criminality in the neighborhood.

The Administration has developed detailed guidelines for implementing and maintaining this regulatory compliance program after Consultations were held with the United Nations, the International Maritime Organization (IMO), and members of the International Association of Classification Societies (IACS), security experts, and customers. The United States Coast Guard was also included in these discussions. By utilizing these techniques, you can have complete confidence that your code is in accordance with all necessary requirements. By carrying out these procedures, the program will at all times remain in accordance with any and all applicable rules.

These activities will improve the potential that the program will comply with all applicable laws in full compliance, and they will do so by increasing the likelihood that it

will. The qualified team of maritime, operational, and security specialists that are hired by the Liberian Registry is tasked with the responsibility of observing, monitoring, and evaluating the various security situations, warnings, and incidents that occur all over the world.

Customers, along with the government of Liberia, work together in order to guarantee that all of the procedures for ship security are executed in a proper way.

These processes can be broken down into the following categories:

By putting best management practices in place (BMPs) through various other protocols, unlawful boarding and piracy can be avoided; the formulation of Liberian standards to ensure compliance with ISPS;⁷

The establishment and communication of security levels to Liberian ships, as well as the provision of guidance for the management of cyber risk in the maritime sector.⁸

Liberia must build a framework for laws governing its maritime trade in order to fulfill its commitments under the UNCLOS (United Nations Convention on the Law of the Sea).⁹ The Liberian Maritime Authority (LMA), which was created in compliance with the agreement made in the treaty, is a component of this overall system. The Liberian Maritime Authority (LMA) is responsible for implementing international maritime norms and standards as well as registering and inspecting ships flying the Liberian flag. In addition, its responsibilities include registering and inspecting ships. In addition to these responsibilities, the LMA is in charge of registering ships and conducting inspections of them.¹⁰

On the other hand, the government of Liberia may not be as effective at enforcing the provisions of UNCLOS as the governments of other countries, and some ships may not even attempt to comply with the laws in the first place. In instances such as these, it is

⁷ Lun, YH Venus, et al. "Shipping Security and Safety." *Shipping and Logistics Management*. Cham: Springer International Publishing, 2023. pp 289-308.

⁸ Iqbal, Zaheema, and Muhammad Khurram Khan. "MARITIME CYBERSECURITY: VULNERABILITIES AND COUNTERMEASURES." *Journal of Contemporary Studies* 9.II (2020): pp.42-58.

⁹ Klein, Natalie. *Maritime Security and the Law of the Sea*. Oxford University Press, 2011.

¹⁰ Kappel, R., 1986. *Liberia's international shipping strategy: the role of flags of convenience and the repercussions for the national development*. In *Liberia-Forum* (Vol. 2, No. 2, pp. 45-60).

essential for the global community to collaborate in order to encourage conformity with UNCLOS and make sure ships and their crews are safe and sound that sail on them. When there are natural disasters that do harm to people, this is of the utmost importance.

Likewise, the IMO (International Maritime Organization), along with quite a few other international organizations, has recognized the Liberian Maritime Registry for its commitment to maintaining high standards of environmental protection, safety, and security and adhering to customary and international laws within the maritime industry. This recognition was given in conjunction with a number of other international organizations. This dedication has allowed the Liberian Maritime Authority to establish a solid reputation for itself in the international community. As stated in this act, Liberia is interested in maintaining maritime security inside its territorial seas,

Contiguous zone also known by the use of an EEZ (Exclusive Economic Zone), international law that governs such maritime matters is which is regulated United Nation Convention on the Law of Seas (UNCLOS), which is the supreme authority on rules governing international cooperation and maritime security.¹¹

According to UNCLOS regulations, up to 12 nautical miles out, coastal governments have the ability to manage their territorial territories at the baseline.¹² Liberia is now officially recognized as having the power to enact and enforce its own laws within this territory, particularly those that deal with protecting the maritime environment. The horizon is located 12 nm from the baseline contiguous zone of Liberia. The government is declared to have the authority to act within this to enforce its laws and regulations on its finances, immigration, customs, and health.

Liberia claims sovereignty over its territorial waters, seafloor, and subsurface strata for the purposes of conducting research, making use of, protecting, and managing the natural resources within its Exclusive Economic Zone (EEZ). In light of what was said earlier, this makes sense. 200 nautical miles offshore the baseline is the legal boundary of the

¹¹ Smith, R.W., 1986. *Exclusive Economic Zone Claims: An Analysis and Primary Documents*. Martinus Nijhoff Publishers. Pp.236-238.

¹² Treves, Tuillio. "Coastal States' rights in the maritime areas under UNCLOS." *Braz. J. Int'l L.* 12 (2015): pp.40

EEZ.¹³ Maritime species and habitat preservation, maritime science advancement, and marine area pollution reduction are the objectives of maritime operations.

To combat maritime risks like piracy, smuggling, and illegal fishing, Liberia has strengthened its legislative and regulatory framework, improved its maritime law enforcement capabilities, and partnered with international organizations, as well as other nations. To increase the maritime security of Liberia, the aforementioned activities must be taken immediately now. Numerous international treaties and conventions have been ratified by Liberia. The Djibouti Code of Conduct and the International Ship and Port Facility Security (ISPS) Code were adopted in a regional attempt to halt piracy and violent ship robberies in the Western Indian Ocean and the Gulf of Aden. In addition to increasing the security of ships and port facilities, these regulations seek to strengthen regional efforts to prevent these crimes.¹⁴ These two agreements have both been ratified by Liberia.

Finally, the 1974 International Maritime Organization (IMO) approval of the International Convention for the Safety of Life at Sea, also known as the SOLAS Convention, established minimum safety standards for ships' disaster prevention.¹⁵ All ships taking part in international trips, even those with a Liberian registry, are covered by the Convention.

Liberia is a country with one of the biggest ship registries in the world and a prominent player in the maritime sector. Liberia is obligated to ensure compliance on the part of ships flying its flag, with the SOLAS Convention's safety requirements because it is a signatory to it and is therefore bound by its terms. Liberia has also put in place its own

¹³ Peirce, George AB. "Selective Adoption of the New Law of the Sea: The United States Proclaims Its Exclusive Economic Zone." *Va. J. Int'l L.* 23 (1982):pp. 581

¹⁴ Kraska, James, and Brian Wilson. "Combating pirates of the Gulf of Aden: The Djibouti Code and the Somali coast guard." *Ocean & Coastal Management* (2009): pp.1-5.

¹⁵ Rauch, E., Hutzler, J.W., Wied-Nebbeling, S. and Fotiadis, F., 1984. *The protocol additional to the Geneva conventions for the protection of victims of international armed conflicts and the United Nations convention on the law of the sea* (Vol. 90). Duncker & Humblot.

maritime laws, such as the Liberian Maritime Regulations, which are compliant with the SOLAS Convention.

1.2 Methodology

Qualitatively, this research is going to be conducted by the use of lawful articles, law books, The United Nations Convention on the Law of Sea Treaty, 1994, The International Maritime Organization, 1958, The Liberian Registry, Safety of Life at Sea Convention, 1974 and other legal and reliable websites.

1.3 Research Design

The qualitative research approach was used or employed in this study's research design.

A focus group discussion, interviews, and secondary data analysis are all possible with a qualitative research approach.

1.4 Purpose of the Study

With limited or no maritime protection, the open seas would be quite similar to the Wild West. Because of this, the maritime sector would never be able to function at its full potential, which would be detrimental to the economies of the world and make it more difficult for staff to do their jobs. Because maritime security is a highly specialized field within the maritime industry, security officers are required to apply industry standard

procedures in order to secure their ships from both internal and external dangers. These threats may manifest themselves in a wide variety of ways, and defending oneself against each one necessitates adopting a unique tactic. Even while the well-being of everyone on board is of the utmost importance at all times, not every security breach is on intention.

1.5 Research Questions

1. What are the legal aims of Liberia's maritime Security?
2. What is preserving freedom of the Liberia Sea?
3. How does Liberia legally defend and facilitate maritime commerce?
4. What legal means does Liberia maintain at sea?
5. How the SOLAS Convention of 1974 does helped shape Liberia Maritime?
6. Is the security and safety of Liberia flag vessels acting in accordance with the United Nations Convention on Law of Sea (UNCLOS)?
7. Does the safety and navigation process of Liberia flag vessels act in accordance with International Maritime Organization laws?

1.6 Data Collection Sources

Qualitatively, this research is going to be conducted by the use of lawful articles, law books, The United Nations Convention on the Law of Sea Treaty, 1994, The International Maritime Organization, 1958, The Liberian Registry, Safety of Life at Sea Convention, 1974 and other legal and reliable websites.

1.7 Limitations of the Study

This study relied heavily on secondary sources and did not employ quantitative methodologies to examine and provide empirical findings on the number of The Liberia Maritime Authority, International Maritime Organization, and International Maritime Pacts that has helped provide Maritime safety of life at Sea. As an outcome, it impeded

research in a number of respects. Furthermore, time and financial constraints limited the researcher's capacity to collect some research data.

1.8 Statement of the Problem

Even though the laws are written with foresight, there will always be gaps in their application due to the myriad of practical difficulties and complications that arise. In the same way, the same issues come up when attempting to apply international maritime law. Smuggling, illicit fishing, violent maritime assaults, corruption, and piracy are just some examples of the crimes that can be committed globally waters due to inadequate security, ineffective law enforcement, and sociopolitical unrest, among other things.¹⁶ Interstate partnership and the execution of laws based on fair principles are essential in order to resolve these difficulties and offer redress to the parties who have been wronged. However, unfortunately, most of the time, states do not cooperate with one another, and maritime law justice turns out to be absolutely nothing more than a mirage. The situation is significantly worsened by issues with information exchange, search and investigation methods, and water-based enforcement techniques. Another challenge facing law enforcement organizations must overcome is the navigation of pirate ships in streams with deep water. The gathering documentation in international waterways in connection to the legal system is a significant obstacle to overcome. The level of justice that is delivered to those who have been wronged is diminished when security personnel and government officials engage in corrupt behavior.

1.9 The Objective of the Research

¹⁶ Cusumano, Eugenio. "Migrant rescue as organized hypocrisy: EU maritime missions offshore Libya between humanitarianism and border control." *Cooperation and conflict* 54.1 (2019): pp.3-24.

The objective of the researcher is to address the smuggling, terrorist, and piracy challenges, environmental crimes, and maritime infrastructure protection. Although the seas have been mentioned in security, peace, and development literature, for decades' experts suffered from sea blindness.' Maritime insecurities in Liberia and other parts of the world have been explored extensively. These include piracy, terrorism, smuggling, environmental crimes (illegal fishing), and maritime key infrastructures. Maritime insecurity will remain a basic characteristic of violence and instability due to continuous problems in various seas. Maritime security must be considered with other foreign policies.

1.10 Significance of the Research

Maritime security is crucial for maintaining ship security and preventing threats such as terrorism, piracy, theft, illicit human trafficking, illegal fishing, and pollution. Monitoring, enforcement, and training must adapt to technical improvements and new dangers as the maritime industry expands. As the maritime sector faces challenges in inspecting large quantities of commodities, maritime security is essential for national security. Smuggling networks exploit the maritime sector's size and reach, using boats to transport illegal goods and technology.

1.11 Structure of the Research

There are a total of six distinct divisions. In a nutshell, earlier chapters of this book examined the advantages and disadvantages of the safeguards put in place by the Liberian Maritime Authority for the protection of Liberia's maritime security, as well as the challenges that these victims consistently encounter when they are at sea levels. Liberians are growing more concerned with the prevention and protection of the safety of life at sea in accordance with international regulations as a result of the study's significance and its legal context.

An overview of the research on maritime law is given in the second section of this thesis. Several areas of maritime law are covered in this chapter, including admiralty procedures, boat mortgages, and maritime assets including ships and cargo.

Human security in Liberia is the focus of the third phase of this study project and includes topics including threat mitigation, individual freedom, and state security.

While the international community invests in these mechanisms, Liberia contributes to the development of fisheries mechanisms through policies, initiatives, and capacity building.

In Chapter 4, which is available [here](#), these difficulties are covered in more detail.

In Chapter 5, the issues raised by the study are covered. The difficulties that Liberia's maritime industry must overcome to be in accordance with global standards, in addition to how maritime security measures could help to stop maritime crimes.

Chapter six is entirely devoted to drawing a conclusion and making some suggestions.

1.12 International Maritime Organization

The United Nations set up the International Maritime Organization (also called IMO or Organisation maritime Internationale) to make rules for the shipping business. Because of a decision made at a United Nations convention in Geneva in 1948, the International Maritime Organization (IMO) didn't start until 1948. Its first meeting was on March 17, 1958. At the moment, there are 175 Member States and three Associate Members in the International Maritime Organization (IMO). Its offices are in London, which is in the United Kingdom.

Right now, the International Maritime Organization (IMO) is in charge of maritime security, safety, environmental problems, legal issues, technical cooperation, maritime security, and shipping productivity. Its main job is to set up and keep up a comprehensive set of rules for the shipping business. The IMO's management is chosen by all of its members at a meeting that happens every two years. The assembly is in charge of

choosing the people who will serve on the council, which is in charge of the organization's funds. The International Maritime Organization is comprised of five committees, each of which is further subdivided into technical subcommittees. The proceedings of the IMO could potentially be observed by other UN organizations. Observer status is granted to non-governmental groups that are successful in meeting the requirements.

The organization is maintained by a permanent secretariat made up of personnel who work in the capacity of representatives of the IMO's members. The assembly chooses a new Secretary-General on a periodic basis, and the secretariat is made up of numerous departments, such as those for maritime safety, environmental protection, and a conference section. Additionally, the assembly selects a Secretary-General for the organization.¹⁷

1.13 Maritime Security

One of the most original and significant ideas that have been proposed in the field of global security is maritime security. The phrase was first used in the 1990s, but it wasn't until the 2000s that it really took off. This is brought on by growing worries about maritime terrorism, an increase in modern Pirate activities off Somalia's coast and other locations, the emergence of a "blue economy," problems with resource management, and threats to the protection of maritime environments. A significant and decisive juncture in human history occurred in the 1990s. Until the 1990s, few people used the expression.¹⁸ The expression started to gain notoriety in the 1990s. To protect their citizens and those around the world, numerous nations, and international organizations have integrated maritime interest defense into their overall security plans. Numerous maritime security plans have been made public by governments all over the world in the previous ten years. These tactics highlight how serious this issue is. Such strategies have been used by a

¹⁷ Balkin, Rosalie. "The International Maritime Organization and Maritime Security." *Tul. Mar. LJ* 30 (2006): pp.1.

¹⁸ Smith-Godfrey, Simon. "Defining the blue economy." *Maritime affairs: Journal of the national maritime foundation of India* 12.1 (2016): pp.58-64.

variety of nations and organizations, including but not restricted to: NATO, the European Union (EU), the African Union (AU), the United States of America, Britain, France, and India. Many countries and organizations, including India, the European Union, and the African Union, to name a few, have already achieved this goal. Declarations made on maritime security and other topics by multilateral organizations like the G7 yearly gatherings like the Our Ocean conference have highlighted the importance of this issue. This is amply demonstrated by the statements made about maritime security by groups like the G7.¹⁹ This isn't the case with IR or security studies in general since the field of study is, at best, very broad. Though more difficult, studying international relations (also spelled "international relations") is. The most significant players in international security are now gravely concerned about the state of maritime Protection or Security. This is the outcome of the recent increased emphasis on maritime safety. The body of knowledge currently in existence frequently discusses such problems in terms of regional hotspots and mitigation techniques. The prevalence of transnational organized crime in West Africa and the smuggling of people across the Mediterranean serves as evidence for this.²⁰ Other strategic battlegrounds include the Arctic²² and the South China Sea.²¹ The strategy known as Horizon 2020 was chosen by the European Union. Though these issues aren't as urgent as they once were, no one has really looked into the connections between port security, environmental crime, and illegal fishing. Additionally, there hasn't been enough research done on how these issues are related to one another. In recent years, maintaining safe harbors has received less attention. Here is a passage about maritime balancing from "Balancing on Land and at Sea" by Jack S. Levy and William R. Thompson.²² Other literary works frequently downplay the importance of maritime events. We will instead be creating international organizations, strategizing geopolitical actions, and negotiating the politics of competing superpowers. We take more time with

¹⁹ Bueger, Christian, Timothy Edmunds, and Robert McCabe. "Into the sea: capacity-building innovations and the maritime security challenge." *Third World Quarterly* 41.2 (2020): pp.228-246.

²⁰ Pastore, Ferruccio, Paola Monzini, and Giuseppe Sciortino. "Schengen's soft underbelly? Irregular migration and human smuggling across land and sea borders to Italy." *International migration* 44.4 (2006): pp.95-119.

²¹ Zysk, Katarzyna. "Maritime security and international order at sea in the Arctic Ocean." *International Order at Sea: How it is challenged. How it is maintained.* (2016): pp.141-174.

²² Lo, Chi-kin. *China's Policy towards territorial disputes: the case of the South China Sea Islands.* Routledge, 2003.

each of these and cover them in more depth as a result. It is encouraging to see maritime professionals recommit to the challenging task of upholding maritime order in a world that is becoming more interconnected (Palgrave Macmillan; Basingstoke). ²³

Maritime security is becoming more and more important, as shown by (Macmillan, 2016). Another sign of this movement's growing acceptance is the rise in articles that discuss it in terms of doctrine and national strategy. The fact that more people are becoming understanding the value of conserving the maritime realm is one explanation. Despite being a major driver of innovation and change on a global scale, the maritime industry hasn't gotten much attention lately. ²⁴ The unique ways in which people from the maritime region engage in, direct, and organize politics could be obscured by this chasm. We use the term "maritime" to refer to everything that involves water, whether it be the open sea or a network of inland rivers. This is especially the case when discussing maritime transportation and engineering. Today, ships carry passengers and cargo more than any other mode of transportation. It's also the most budget-friendly and eco-friendly option. About 90% of all international trade is conducted through it as well. ²⁵ Nowadays security situation is uncertain and complex, particularly at sea, terrorism and the possibility of large-scale conflict at sea pose non-military, transnational, and unconventional concerns to maritime security. To fight transnational nonmilitary problems, more than military strength is usually required. Both the enemy and the operations area are well-defined in conventional warfare. The scale and effect of terrorist attacks have grown as a result of tremendous advances in telecommunications and significant improvements in international business logistics. As a result of these changes, terrorists now have the ability to physically cross even the most secure borders and travel quickly over long distances. Threats from adversaries with such broad reach endanger national and international stability. The maritime sector, specifically, not only offers a means of shipping for these dangers but also a varied array of prospective targets that match terrorists' operational

²³ Levy, Jack S., and William R. Thompson. "Balancing on land and at sea: do states ally against the leading global power?" *International Security* 35.1 (2010): pp.7-43.

²⁴ Sullivan, Sean and Cordner, Lee (2020) "Maritime Security Risks, Vulnerabilities and Cooperation: Uncertainty in the Indian Ocean," *Naval War College Review*: Vol. 73: No. 1, Article 10..

²⁵ Speller, I. (2018) 'Maritime security and the maintenance of good order at sea', *Understanding Naval Warfare*, pp.169–186. doi:10.4324/9781315227818-10. (Accessed: 26 May 2023).

goals, which are to kill a large number of people while causing significant economic harm. The seas are threatened by a variety of entities, including pirates, terrorists, global criminal organizations, and nation-states.²⁶

1.14 Two Folds Objectives of Maritime Security

Firstly, to provide some sense of order to recent events in order to lay the groundwork for future research on maritime security; Secondly, to investigate the exciting problems posed by maritime security phenomena within the context of broader conversations taking place within the study of security issues and international relations. Our conversation is broken up into three primary portions, with each of these sections focusing on a different essential aspect of maritime security.

Firstly, a discussion regarding the concerns and issues that are currently being considered in regards to the safety and security of the seas. These aspects include how it has so far been conceptualized in security studies and its expanding significance in the thinking and documentation of security policy. In the studies second section, we look into the actual responses that those involved in maritime security have given answers to these problems. Specifically, we focus on problems pertaining to awareness of the maritime domain, coordination of actions, and fieldwork. As we wrap up, this report, we offer some recommendations and draw some conclusions. In spite of the fact that we want to provide a comprehensive outline, the western region of the Indian Ocean provides the vast majority of the examples we use. These examples allow for paradigmatic comments to be made. We are finally focusing on the mechanisms that are being used in a devolved security governance process for the purpose of guaranteeing that the newly established goals for maritime security are effectively communicated to the local actors who are participating in the process. Building people's capabilities and implementing changes in

²⁶ Alderton, Tony, and Nik Winchester. "Globalisation and de-regulation in the maritime industry." *Marine policy* 26.1 (2002): pp.35-43.

the security sector are two of our primary focuses. We place a significant amount of importance on programs that assist local actors in expanding their knowledge and skill sets. In conclusion, we will discuss some of the impending challenges that will be faced by research into maritime security as a direct consequence of the findings presented here. In addition to the conventional subjects in terms of naval might and maritime law, we believe that studies of maritime security should pay more attention to how various threats and issues are connected, to new ways of governing and maintaining order at sea, and to spreading by developing capacity, the new maritime security agenda. These are all vital factors to take into account. Studies of maritime security also look into the same issues that studies of naval strength do. This is a result of the fact that conventional factors in sea power studies and maritime laws are not the only ones that must be considered alongside them. Other things must also be considered as well into consideration. Throughout the entirety of recorded human history, water has consistently been regarded as a potentially dangerous and unsettling environment. According to historian John Mack, the oceans are frequently portrayed as an "unwelcome and unwelcoming wilderness where the land is a reassuring point of reference."²⁷ To put it another way, the land has served as a reassuring point of reference throughout this process. According to John Mack's "the history of humanity is over two million years. Thus, history of maritime law is over five hundred years old and can be interpreted as an attempt to exert dominion over the ocean. Even though this is true, he finds that most historical and political evaluate of the oceans show them as a threat. As "either the backdrop to the stage on which the real action is seen to take place, that is, land or... simply as a means of connection between activities taking place at coasts and in their interiors." After reading all of the relevant published material, he has come to this understanding as a result.²⁸ In addition to this, Christian Bueger, claims that it the majority of the current debate pertaining to the study of security and international relations agrees with his diagnosis. People frequently picture the ocean as the setting for geopolitical power struggles, hostilities between states, or military conflicts; as the origin of certain dangers, such as piracy; or as a link between

²⁷ Sullivan, John P. "Terrorism, crime and private armies." *Low Intensity Conflict & Law Enforcement* 11.2-3 (2002): pp 239-253.

²⁸ Bueger, C. and Edmunds, T., 2017. *Beyond seabindness: a new agenda for maritime security studies. International Affairs*, 93(6), pp.1293-1311.

states that facilitates a number of phenomena, such examples are colonialism and globalization.²⁹

The "*permanence*" of geographical features, such as the extent of a nation's coastline or the fact that it doesn't have close proximity to the high seas, puts limits on naval superiority see, for example,³⁰ and on regulations for maritime security in particular, "Geography doesn't make a case." Geography and International Policy, II says that this is without a doubt true. This doesn't mean that geography is the foundation of politics and policies instead, it indicates that geographic considerations must be made along with other substance, fundamental, and conceptual considerations. When compiling the list of explanatory factors. The prevention of human activities in maritime environments that are illegal or disruptive to the natural order is what's meant when people talk about "maritime security." This terminology refers to a specific geographical region that has its boundaries defined. As a consequence of this, the precise geographic location of a state can have a significant bearing on the degree to which it is exposed to dangers to its maritime security. Italy, as opposed to, for example, the United Kingdom, is more directly impacted by unlawful immigration via sea is a problem because of its geographic location this is because Italy has a longer coastline. This makes sense given that Italy is located somewhat closer to the Mediterranean Sea. Sicily and, in particular, the island of Lampedusa has been experiencing a consistent influx of undocumented migrants over the course of the last few decades due to their location directly on the main immigration route (which also happens to be one of the shortest) to get to the European Union from North Africa. This is particularly true for Sicily. To put it another way, due to the obvious geographical factors involved, Italy, Spain (via the Strait of Gibraltar), and Malta are more accessible, quicker to reach, and generally safer than the UK or even France, making them easier to reach by boat. The Strait of Gibraltar divides the two nations. This is still the case even though nations like the UK, France or Germany may serve as the final stop for illegal immigrants traveling across the Mediterranean on small boats. Following this, Italy is

²⁹ Mack, John. *The sea: a cultural history*. Reaktion Books, chp. 1, pp. 19, 2013.

³⁰ Steinberg, Philip E. *The social construction of the ocean*. Vol. 78. Cambridge University Press, 2001.

required to devote a greater proportion of its resources to the battle against immigration than the bulk of other countries within the European Union.

As a direct result of this, Italy recently made a request to the European Union for aid in preventing immigrants on vessels in the center of the Mediterranean. This request was made because of the situation described above. This request was the immediate catalyst for the beginning of the FRONTEX operation known as Triton in November 2014.³¹ This particular example demonstrates that even the most fundamental geographical characteristics may only have a small effect on the policies for maritime security that governments implement, regardless of when it comes to the supervision of maritime activities. This is demonstrated through the usage of this specific case. The multitude of other unlawful flows that occur in the maritime sector can be examined using the same methodology. Drug smuggling directly impacts countries situated in high-risk areas, such as those close to important routes like Spain through the Strait of Gibraltar or have hard to watch shores because the navy and coast guard lack the resources to cover the entire coast. This can be true for more powerful states like the United States as well as for more constrained resource states like Ireland, which are typically smaller. The United States continues to struggle to "seal" its maritime borders despite the reality are that a considerable amount of drug trafficking has its intended destination on its lengthy coastline, which needs to be watched after. This is the situation because the United States is the final destination for a significant amount of narcotics trafficking. It is abundantly clear that the length of the coastlines, which constitutes the geographical component in this scenario, is insufficient to account for the quantity of counter-narcotics weight.³² The justification has to take into account immaterial forms of power, such as the budget for the coast guard as well as the commercial plans of drug traffickers, which include preferential destination nations.

³¹ Mahan, A.T., 2020. *The influence of sea power upon history, 1660-1783*. Good Press.

³² Mustăţea, Mihaela. "From the Italian Mare Nostrum Operation to the Frontex Triton Operation (November 2014-February 2018). Italy and Search and Rescue Operations. (SAR operations)." *Euro-Atlantic Studies* 3 (2020): pp.69-89.

1.15 Definition of Terms

Maritime Security- The phrase "maritime security" has been used to refer to a number of challenges in the maritime sector that are linked to human security, environmental protection, national security, and economic development. The phrase "maritime security" has expanded in recent years to refer to a variety of maritime-related issues that are frequently linked to national security.³³

This comprises everything from local seas to national waters and stretches from rivers and ports to the world's oceans. According to the aforementioned article, the oceans act as a "stage for geopolitical power projection, across the country warfare, or militarized disputes; as a source of specific threats like piracy; or as a connector among states that permits various phenomena ranging from colonialism to globalization." The theoretical concept of maritime security has evolved from the constrained perspective of the projection of national naval might into a word that currently denotes numerous interconnected subfields.

There are numerous ways that the term "*maritime security*" can be defined, and although there is no globally accepted meaning of the term, it is often used to characterize both long-standing regional and worldwide problems in the maritime domain as well as emerging concerns. The nature of the term makes it possible for international players to talk about these new difficulties without having to specify every potentially contentious component of them. The worldwide shipping sector is facing a diverse array of security risks and problems, which is one of the reasons why maritime security is becoming an increasingly pressing issue. These crimes include, among others, piracy, armed robberies at sea, the trafficking of illegal goods and people, illegal fishing, and the destruction of

³³ Bueger, Christian, Timothy Edmunds, and Scott Edwards. "Innovation and New Strategic Choices: Refreshing the UK's National Strategy for Maritime Security." *The RUSI Journal* 166.4 (2021): pp.66-75

maritime habitats. These are just a few of the numerous difficulties faced in real life that may be grouped together under the umbrella phrase "maritime security. Maritime security problems also include things like war, activities that resemble war, maritime terrorism, and interstate rivalry (like the conflict in the Strait of Hormuz or the disputes over territory in the South China Sea, for instance).³⁴

Maritime Law- Maritime law, sometimes known as *Admiralty law*, is a body of law that covers legal matters pertaining to the sea, including both public and private maritime conflicts. Both domestic legislations regulating maritime operations and private international law that governs the interactions between private parties that operate or use ocean-going ships are included in admiralty law. Admiralty law is also known as maritime law. The worldwide character of the subject matter and the necessity for consistency have, since the year 1900, led to major advancements in international maritime law, including a large number of multilateral treaties. In general, each legal jurisdiction has its own laws that govern topics pertaining to marine transportation and commerce.

International Law- The term "international law" is used to describe the set of rules and regulations that are generally recognized as legally binding among different nations. The term "public international law" (or "law of nations") is commonly used to refer to this body of rules. It sets normative norms and provides an agreed-upon conceptual structure for nations throughout a variety of areas, including defense, foreign policy, trade, and human rights. These fields are united by the use of the same conceptual and normative frameworks. Legal scholars classify international legal institutions according to their obligations (how much states must follow the rules), precision (how clear the rules are), and delegation (how much third parties are able to comprehend, apply, and make rules).

International Maritime Organization- the United Nations has a branch dedicated to enforcing maritime law known as the International Maritime Organization, or IMO (from the French, *Organization Maritime Internationale*).

³⁴ Zohourian, Mohammad Ali. "Legal Issue Comparison of Piracy and Armed Robbery with Emphasis on the South China Sea-Malacca Strait and the Persian Gulf-Strait of Hormuz." *Fiat Justisia: Journal Ilmu Hukum* 14.2 (2020): pp.113-140.

The International Maritime Organization (IMO) was established as a result of a vote taken at a United Nations conference in Geneva in 1948. Ten years after it was founded, the International Maritime Organization (IMO) held its first meeting in 1959. There are currently 175 member states and three (3) associate members in the International Maritime Organization (IMO), which is headquartered in London, United Kingdom. Currently, the IMO is responsible for maritime security, environmental issues, legal concerns, technological collaboration, and shipping efficiency; however, its primary purpose is to build and sustain a comprehensive regulatory framework for shipping. An assembly of IMO members meets once every two years to resolve governance matters. A council of forty members elected by the assembly manages the group's administration and controls its finances. The IMO is divided into five main committees, each of which is supported by a smaller group of technical experts. The IMO welcomes other UN agencies to attend its meetings as observers. Observer status may be granted to non-governmental organizations (NGOs) if they meet certain criteria.

Liberian Maritime Authority- the Liberian Registry is a sovereign maritime authority that is responsible for the registration of ocean-going ships as well as the enforcement of relevant regulations and their security. The Registry is responsible for establishing the identifying particulars of ships and for recording documents that are legally binding, such as mortgages and bills of sale. Additionally, it is the responsibility of the Registry to ensure compliance with maritime treaties such as the Convention for the Safety of Life at Sea (SOLAS), the Convention for the Prevention of Pollution from Ships (MARPOL),³⁵ the Standards for Training, Certification, and Watch keeping for Seafarers (STCW),³⁶ and the Maritime Labor Convention (MLC). The ship registry operates concurrently with the Liberian corporate registry, which is comparable to the corporate registration services offered by any other nation's government. Both of these registries fulfill the same tasks.

³⁵ Julian, Michael. "MARPOL 73/78: the International Convention for the Prevention of Pollution from Ships." *Maritime Studies* 2000.113 (2000): pp.16-23.

³⁶ International Convention on Standards of Training, certification and Watchkeeping for Seafarers (STCW) (no date) International Maritime Organization. Available at: <http://www.imo.org/en/ourwork/humanelement/pages/stcw-conv-link.aspx> (Accessed: 27 May 2023).

1.16 A Commentary of Chapter I

Maritime security makes it possible to safeguard boats and ships against environmental damage, human trafficking, piracy, theft, and other types of criminal activity. Maritime security also protects people. The government of Liberia is responsible for the establishment of both the Liberian Coast Guard and the Liberia Maritime Authority (LMA), which is in control of all ships flying the Liberian flag. The government has shown its commitment to international cooperation by ratifying international agreements such as the International Ship and Port Facility Security (ISPS) Code, which provides directives for ensuring the security and safety of maritime transportation. The Gulf of Guinea Commission and the Maritime Organization of Central and West Africa (MOWCA) are two organizations that are working toward the common goal of making the area a safer place to live. Liberia has problems like a lack of infrastructure, international criminal groups, and the presence of transnational criminal groups. The LMA is in charge of putting best management practices into place, setting security levels, and giving advice to the maritime industry about cyber risk. The UNCLOS rules must be followed, and to protect ships, the global community must cooperate and their crews during natural disasters. The International Maritime Organization (IMO) is an important part of world security. It works with NATO, the European Union, the African Union, the United States, Britain, France, and India to protect its people and the rest of the world. Since 90% of international trade is done by sea, which is cheap and good for the environment, the maritime business is becoming more and more important to protecting the oceans. But security issues, especially at sea, are getting less clear and more complicated. The goal of the study is to figure out how current events and problems with maritime security fit into bigger talks about security and international relations. It focuses on three main parts: present worries and problems about maritime security, the real answers of people who work in maritime security, and ideas for how to make things better.

The study should look at more than just traditional naval power and maritime law. It should also look at how different threats and problems are linked, how new ways of governing and keeping order at sea are spreading, and how the new maritime security plan is changing things. Geography, like a country's coastline or closeness to the high seas, puts limits on military power and security rules for the sea. Drug smuggling has a direct effect on countries in high-risk areas, and countries need to work together to protect their coastal borders.

There are problems with international maritime law, like cheating, illegal fishing, smuggling, piracy, and armed robbery. But states don't always work together, which makes it seem like maritime law isn't fair. Corruption and corrupt police and government officials also affect how information is shared, how searches and probes are done, and how laws are made.

It is essential to have strong maritime security in order to protect against dangers such as terrorism, piracy, theft, human trafficking, illegal fishing, and pollution. Ships must be kept safe at all times. As the maritime sector grows, it is imperative that regulatory oversight, law enforcement, and training keep pace with advances in technology and emerging hazards. Networks that traffic illegal products and technology take advantage of the size and scope of the maritime industry by transporting these items via boats. The investigation is broken up into six different sections that include topics such as international legislation, maritime law, and human security. The growth of fisheries in Liberia is aided by the country's policies, efforts, and emphasis on capacity building. The goals of the study are to address the issues that the maritime industry is now facing and to offer ways to avoid crimes committed at sea.

The Liberian Registry is a sovereign maritime agency in charge of registration, law enforcement, and security for ocean-going ships. It creates ship identification numbers, keeps track of legally binding paperwork, and makes sure that maritime treaties like SOLAS, MARTOL, STCW, and MLC are complied with. The Liberian business registration and the ship registry both run simultaneously and carry out identical functions.

CHAPTER II

Literature Review

2.1 Theory of Maritime Security

The first quotation is a proverb that is credited to Emperor Antoninus, who ruled from AD 138 to 161. It was exactly in those words that he said, "I may be king of the world, but the law is the king of the sea." This issue needs to be resolved in accordance with Rhodian maritime law so long as none of our laws are in direct conflict with it. The second point is that the Rhodians are given credit for developing the concept of "*general average*," which is a term that is mentioned in the Digest. When discussing the amount of damage that typically occurs to a ship or its cargo, the term "average" is used. During a maritime operation, the average is said to be "general," and the owners of the property that was saved must contribute to make up for the loss. The term "*general*" refers to a situation in which one piece of property must be sacrificed in order to save other pieces of property.

The ancient Egyptians and Phoenicians had shipping laws, but none have been discovered.

³⁷ The Roman Emperor Justinian's Digest from 533 AD contains two sentences that establish Rhodes as an important contributor to maritime law.

In the third century B.C., Rome established itself as a great maritime power and took a significant amount from Rhodes law, which is referenced in the Digest and is referred to as "Rhodian Sea Law". The Mediterranean was the center of Western commerce and a major cultural crossroads during the period when the Romans controlled it. ³⁸

This led to the development of European maritime law, which has survived through the course of history. Italian communities that engaged in commercial competition with the Eastern Byzantine Empire enacted their own maritime legislation in 1063. The Consolat de Mar, also known as the "Consulate of the Sea," was the second set of maritime legislation that was widely accepted. The "Rolls of Oléron" were the first code to be used in regions of the world other than the Mediterranean and served as the basis of maritime law in many countries. Wisby, the capital of the Hanseatic League, was a firm follower of the Rolls. ³⁹

The lack of uniformity in maritime law in continental Europe began in the late Renaissance and worsened with the rise of nationalism in the 17th century. This led to the adoption of the Maritime Code of Christian XI of Sweden, 1681 the maritime Ordinances of Louis XIV of France, and 1683 the Code of Christian V of Denmark. The French Admiralty Court took over maritime jurisdiction from the former consular courts, codifying all criminal, private, procedural, and public laws that belong to the sea into a single body of regulations. The German Commercial Code of 1861 was revised in 1897, and the influence of the new German law can be seen in the revisions made to the Spanish and Italian legal systems. The Admiralty Court has been conducting business

³⁷ Tellegen-Couperus, Olga. "Justinian's Digest and the Compilers, by David Pugsley." *Tilburg Law Review* 5.2 (1996): pp. 171-174.

³⁸ Libingier, Charle Sumner. "The Maritime Law of Rome." *Jurid. Rev.* 47 (1935): pp.1.

³⁹ Canizares-Navarro, Juan B. "The Llibre del Consolat de Mar: A Medieval Normative Body in the *Ius Commune* Scope (English Language)." *Ius Romanum* (2021): pp.537.

continuously since 1360, and its authority was not entirely recovered until the first Admiralty Court Act was enacted in the 1800s.⁴⁰

Maritime law, which is also called "admiralty law," is what governs ships and what they can do at sea. It has been around since the beginning of time and has a long and interesting past.

During the middle Ages, European countries became more involved in foreign trade. This led to changes in maritime law. The Hanseatic League was a strong group of trading cities in northern Europe. It made its own maritime law to control shipping in the Baltic Sea area.⁴¹

In the 16th and 17th centuries, maritime law changed a lot. This was due to the growth of European colonies and long-distance trade between Europe and Asia, Africa, and the Americas. For things like piracy, privateering, salvage, and the rights of neutral states during times of war, new law ideas were made.

During the 1800s and 1900s, many countries made laws to control what happened on the water within their borders. International treaties were also made to control trade and travel by sea. The most important of these treaties is the UN Convention on the Law of the Sea, which has been signed by about 160 countries. In 1982, they got permission to use it.⁴² Changes in technology and the global economy have given the shipping industry both new possibilities and new risks. This means that maritime law needs to keep getting better and better.

2.2 Hugo Grotius' Contribution

Hugo Grotius, a Dutch lawyer, and philosopher, wrote *Mare Liberum*, also called *The Freedom of the Seas*, in Latin and released it in 1609. Grotius's groundbreaking idea that

⁴⁰ Whitman, James. "Commercial Law and the American Volk: A Note on Llewellyn's German Sources for the Uniform Commercial Code." *Yale LJ* 97 (1987): pp.156.

⁴¹ Andrews, K.R., 1984. *Trade, plunder and settlement: Maritime enterprise and the genesis of the British Empire, 1480-1630* (Vol. 5). Cambridge University Press.

⁴² Fink, Alexander. "The Hanseatic League and the concept of functional overlapping competing jurisdictions." *Kyklos* 65.2 (2012): pp.194-217.

all countries should be able to trade by sea in foreign waters was put forward in his important book, *The Free Sea*. The argument was about the Portuguese *Mare Clausum* strategy and their claim that they had a monopoly on the East Indian Trade. Grotius wrote the book to help the Dutch East India Company figure out what to do about the Santa Catarina Portuguese carrack.⁴³ In 1608, the project was given to Grotius by the Zeeland Chamber of the Dutch East India Company.

2.3 Grotius Argument

Grotius said that "the sea should be thought of as a public resource and that no one should be able to stop other people from using it."⁴⁴

One of Hugo Grotius' most notable contributions was the idea of maritime freedom. The rights and rules governing trade and navigation on the high seas were not universally respected during his time. Grotius believed that all countries should have access to the oceans as a common resource for peaceful purposes like trade and navigation. He held that no government should have sole control over the seas, and that all nations should be free to trade and sail.

The ideas and examples of natural law constituted the foundation for Grotius' arguments.

In his view, nations ought to have the same access to and use of the seas as individuals do for resources like air and water because the seas are a part of humanity's shared inheritance.

On international law and the advancement of maritime law, his work on freedom of the seas had a significant impact. His ideas were later included in the United Nations Convention on the Law of the Sea, which acknowledges the right of nations to free navigation as well as other rights and obligations in the usage of the oceans.

⁴³ Thornton, Helen. "Hugo Grotius and the Freedom of the Seas." *International Journal of Maritime History* 16.2 (2004): pp.17-38

⁴⁴ Salter, John. "Hugo Grotius: property and consent." *Political Theory* 29.4 (2001): pp.537-555.

In general, Grotius's work on the freedom of the seas addressed the issue of conflicting claims and laws pertaining to navigation and trade on the high seas. His views served as the basis for the freedom of the seas principle, which is now a crucial component of international law and the control of maritime activity.

2.4 Nationalism Weakened Continental European Maritime Law

Into the 17th century. Jean-Baptiste Colbert's Ordinances were most essential. Colbert neglected to record all French laws. The French Admiralty Court's naval power stemmed from sailors-elected consular judges. It could also enforce maritime laws. To emphasize maritime law's (Admiralty law, often known as maritime law, is the body of law that regulates maritime matters and individual maritime disputes. Admiralty law encompasses both state regulations for marine activity and private international law that regulates interactions between individuals who own, operate, or use oceangoing ships. Although each legal jurisdiction typically has its own laws covering maritime matters, the topic's international aspect and the necessity for uniformity have, since the 1900s, resulted in significant advancements in international maritime law, including multiple multilateral treaties.) Therefore, Maritime Law is a "Separation" from other fields of law, the ordinances harmonized all applicable criminal, private, procedural, and public legislation. The French Code of Commerce of 1807 ⁴⁵ resembled the Ordinances, even though the French Admiralty Court was abolished in 1789. The French Admiralty Court collapsed. Maritime law became business law as custom and use diminished. After the Admiralty Court closed, commercial tribunals heard maritime cases. Small-town maritime interests were not protected. The Admiralty Court was disbanded. French commercial code nations hear civil maritime and non-maritime business issues. Business courts hear non-maritime commercial cases. The German Commercial Code of 1861, revised in 1897, diverged from French law even though several nations accepted the Code of Commerce in the first half of the 1800s, some voluntarily and others under duress. German law changed Spain's

⁴⁵ De Aguilera Vieira, Icyar, and Gustavo Vieira da Costa Cerqueira. "L'influence du Code de commerce français au Brésil-(Quelques remarques sur la commémoration du bicentenaire du Code français de 1807)." *Revue Internationale de droit comparé* 59.1 (2007): pp.27-77.

and Italy's laws. This hit Spain and Italy. The "Pied Poudre" courts ⁴⁶ held jurisdiction over claims made by sailors and arbitrated conflicts in English fairs and markets.

The Rolls of Oléron were likely first used by English courts to interpret maritime law in the Cinque Ports. The London-based High Court of Admiralty and several Vice Admiralty Courts followed, named Admiral. The admiral faced disciplinary difficulties, including piracy, around the 14th century. In 1360, the admiral was granted authority over civil maritime matters, establishing the first Admiralty Court. By the late 1700s, admiralty courts handled sea commerce and other economic matters. In the early 17th century, common-law courts limited the Admiralty to "things done on the sea." The Admiralty receives massive funding. It didn't have juries, settled maritime disputes with maritime norms and customs, and used continental processes that were speedier and simpler than common-law courts. Common-law tribunals were slower. These factors aided the business community and the Crown, which relied on merchant taxes. It relied on the monarch's power. It affected Tudor society. ⁴⁷ The first Admiralty Court Act was revived in the 1700s. The English Admiralty only handles shipwrecks and rescues. The Admiralty court has multiple functions such as Charter parties, ocean bills of lading, and maritime insurance cases are heard in commercial courts. Original jurisdiction for federal district courts over "any civil case of admiralty or maritime jurisdiction, saving to suitors in all cases any other remedies to which they are otherwise entitled" and are "exclusive to the courts of the States." It covers "any civil case involving admiralty or maritime jurisdiction." Maritime claimants must file in an admiralty district court. If the defendant doesn't live in another state, he can file a claim in state court, which the district court will handle like any other civil matter.

2.5 Components of Maritime Law

⁴⁶ Kraehe, Enno E. "Practical Politics in the German Confederation: Bismarck and the Commercial Code." *The Journal of Modern History* 25.1 (1953):pp. 13-24.

⁴⁷ Simon, Joan. *Education and society in Tudor England*. Cambridge University Press, 1966

Maritime law is comprised of many different subfields. Boat mortgages although most admiralty proceedings are filed "*in personam*," which means that they are only filed against named individuals or corporations, the process "in rem" is the most unique feature of admiralty practice.⁴⁸ Ships, cargo, and "freight," the money owing to a shipping company, are all examples of maritime assets that might be subject to this type of legal action. Even though hearings in admiralty are frequently conducted in personam, the "in rem" approach is the most distinctive aspect of the practice. Under U.S. maritime law, the ship may still be held accountable for damages even if the owner of the vessel has not been determined to be at responsible for the event that resulted in the loss. The reason why this is happening is because law treats the ship as if it were a person. The situation of "compulsory pilotage" serves as the best illustration of personification in writing. If a ship owner enters or leaves state waters without a guide, they may be subject to financial fines under numerous state legislation. The laws governing this differ from state to state. The owner of a ship that is required to have a pilot is not responsible for damage to property or injuries brought on by the pilot's carelessness.

When it is claimed that the ship is responsible for the pilot's actions, the idea of a "maritime lien" that can be used in a legal case immediately comes to mind. This lien might be used to pay for the cost of the repairs. Maritime liens may be created for a number of reasons, such as the rendering of salvage services, the contribution of the general average, the breach of particular maritime contracts, or situations where the ship is allegedly responsible for a maritime tort like a heedless accident or personal injury. A maritime lien may be created by the performance of salvage services. When a claim is brought against real property, the court may order that the ship, its contents, or its freight be impounded until the owner offers the plaintiff bail or other suitable security.

The court may also be required to do so under applicable statutes. If the owner does not meet all of the requirements for the relocation, something could happen. The vast majority

⁴⁸ *In Personam* (no date b) Practical Law. Available at: <https://uk.practicallaw.thomsonreuters.com/w-016-8614?transitionType=Default&contextData=%28sc.Default%29#:~:text=A%20Latin%20term%20meaning%20%22against,for%20breach%20of%20a%20contract> (Accessed: 27 August 2023).

of the time, however, the owner will take efforts to ensure that the items are never taken from them in the event of a declared arrest. The bond or other security will be recovered if the property's owner still refuses to pay after the plaintiff has obtained a judgment through the process “in rem”. If no collateral was posted, the court can order the release of the cargo or the sale of the property to settle the debt. If the property owner did not take any precautions, the court will order the release of the cargo. After an admiralty court obtains a judgment in rem, the ship can be sold without regard to any liens that existed before the lawsuit that led to the decision in rem.

This includes any and all liens, not simply those that were at issue in the lawsuit that resulted in the judgment in rem. This applies to all preexisting liens, not simply the ones that were challenged in the litigation that led to the in-rem decision. A personal judgment against a ship owner gives the judgment holder the same rights and options as any other judgment creditor, including the ability to demand the sale of the ship as payment in full of the judgment. This is due to the fact that a personal judgment is treated as a judgment against the ship owner in his or her individual capacity.

A sale based on an admiralty judgment in rem removes all liens from the ship, while a sale pursuant to execution does not. Instead, the buyer is responsible for clearing these balances even after assuming title to the vessel. If the ship owner can't make their payments, an “in rem” process should be started rather than a lawsuit in the ship owner's own name. The security value of ship mortgages has occasionally been raised in an effort to persuade financial institutions to support shipbuilding. These programs seek to get banks and insurance providers to contribute to shipbuilding financing. These strategies, however, haven't always worked due to the disparate legal handling of mortgages and maritime liens across the nation. A complicated hierarchical framework governs maritime liens under general maritime law. If there is not enough money to satisfy all of the claimants who have liens on the property, the debts with a higher rank will be paid in full before the obligations with a lower rank. In the majority of nations, a ship mortgage is less important than other nautical liens. During a procedure, these debts will be fully paid before any liens with a lower priority. Despite the first convention receiving significant support, only half of the needed nations had ratified it by the end of 1983. And this, despite

the fact that it was a global pact. Some of these problems were supposed to be handled by international treaties signed in 1926 and 1976, but they have not been ratified.

2.6 Liability Is Limited

Maritime law allows ship owners and others, including charterers, to reduce their culpability for torts and contractual obligations.⁴⁹ In certain nations, like the US, the maximum equals the ship's valuation plus cruise profits. Injuries and deaths of others are not covered. The 1957 Brussels Limitation of Responsibility Convention, which is ratified in the UK and other countries,⁵⁰ £28 Euros the highest liability is (or its equivalent) times the vessel's adjusted net tonnage. The price of the ship is irrelevant. The applicant must not have any "privity or knowledge" or "actual fault or privity" in order to be granted the privilege. The ship owner bears less responsibility for the conduct of the captain and crew, but not for his or his company's management. Like ship owners, investors who incorporate are safe from liability. Before the firm or LLC, maritime law had limited liability. When it was first added to maritime law, it safeguarded courageous ship owners from the tremendous liability of doing business on the high seas. It was hard to get any protection, so this was vital. Some think the ship owners' right is unnecessary due to insurance and new limited liability corporations. Maritime liability borders' specific features are no longer useful, supporting this opinion in that maritime countries may reduce duty limits, worrying ship owners.

Limiting duties was vital for most maritime governments. A ship owner with a limitation right gave the applicant control of his ship and any unpaid freight in continental Europe. Europe's idea did the same. Claimants received the ship's post-accident value under the

⁴⁹ Chen, X., 2001. *Limitation Fund. In Limitation of Liability for Maritime Claims* (pp. 82-104). Brill Nijhoff.

⁵⁰ Könz, Peider. "The 1962 Brussels convention on the liability of operators of nuclear ships." *American Journal of International Law* 57.1 (1963): pp.100-111

abandonment concept. Using the limited right caused this. If the ship sank, claimants would not be compensated. South American legal systems are based on this.

International maritime law was only challenged by the US and UK.⁵¹ The law was needed to make both countries' transportation industries more competitive. The statute of limitations normally benefits both domestic and foreign ship owners. Ship owners hate limitation rules' foreign unrecognition. This means that a foreign commercial ship owner could be held accountable for damages in many nations after a single disaster. Due to this, any nation must limit its budget. A ship owner just requires one limitation fund, regardless of how many cases are brought against them in different countries. Countries that signed the 1957 Brussels treaty recognize admiralty court rulings worldwide. We benefit from ship owners in most nations being more responsible due to the agreement.

Until the 200-nautical-mile limit, which marks the beginning of the high seas and the end of the exclusive economic zone, the maritime zone limit of a coastal state is typically the outer boundary of one maritime zone and the inner boundary of another zone. This is because the 200-nautical-mile limit signifies both the beginning of the high seas and the end of the exclusive economic zone.⁵² Maritime limits, which indicate where maritime zones terminate further out to sea, serve as a measure of the size of maritime zones. As long as the borders of a state's maritime area do not cross those of any of its neighboring states, that state is free to define its own boundaries. United Nations Convention on the Law of the Sea Article 121 requires that coastal states deposit with the UN Secretary-General charts and geographic coordinates showing straight baselines or the outer bounds of the territorial sea, the exclusive economic zone, and the continental shelf generated therefrom. Contrarily, UNCLOS does not require that baselines be revealed as maps or lists of specific locations. Article 16 of the UN Convention on the Law of the Sea, paragraph 2, states that baselines "shall be shown on charts of a scale or scales adequate

⁵¹ 'A. Boyle; D. Freestone, eds., *International Law and Sustainable Development: Past Achievements and future challenges*, Oxford University Press, Oxford 1999, XXX + 377 pp. ISBN 0-19-829807-2.', *Netherlands International Law Review*, 48(01), pp. 101–125. Doi: 10.1017/s0165070x00001157.

⁵² Legault, Leonard H., and Blair Hankey. "From sea to seabed: the single maritime boundary in the Gulf of Maine case." *American journal of international law* 79.4 (1985): pp.961-991.

for ascertaining their position." ⁵³ (Paragraph one of UNCLOS.) A coastal state is required to consider the fact that the operation is carried out on a national scale but also has global effects while setting its baselines. This is due to the operation's consequences on both the domestic and global levels. In the Anglo-Norwegian Fisheries Conflict, the International Court of Justice (ICJ) ruled that the delineation was "a unilateral act, because only the coastal state is competent to undertake it, and the validity of the delimitation with regard to other states depends upon international law." This declaration opens the door for other states to contest the reliability of baselines. This is because the International Court of Justice declared that it is "a unilateral act." This claim suggests that states other than the one making the assumption may have doubts about the validity of baselines. Since they can be used in the process of maritime delimitation, baselines that are used to compute maritime limits have the potential to have an impact on the entire planet. As a result, the boundary that is utilized to delimit the marine environment may also be impacted by changes to baselines, which are the sites from which boundaries are generated.

2.7 Collision Liability

Every time a coastline border needs to be measured; a number of basis points are used. The border between two states that are geographically close to one another yet at odds with one another begins at these intersections. This occurs when different parties make conflicting claims to the same maritime territory. The coastline is marked down when an incident like this occurs. In order to avoid having to bring the dispute before a third party, like the International Court of Justice (ICJ) or the International Tribunal on the Law of the Sea (ITLOS), nations are required by Article 287 of the United Nations Convention on the Law of the Sea to negotiate and come to an agreement on a maritime border. The United Nations Convention on the Law of the Sea and case law both lack a means for locating baselines. Another problem is that states don't think about the possibility that they

⁵³ Freestone, D. (2013). Myron Nordquist, Satya N. Nandan, and James Kraska (eds), *United Nations Convention on the Law of the Sea 1982: A Commentary. Volume VII* (Leiden: Martinus Nijhoff), 2011, ISBN 978-90-04-19117-4, hardbound, €205.00/US\$266.00, pp. xxiv + 488 incl. index <http://www.brill.com/publications/online-resources/united-nations-convention-law-sea-online>. *The International Journal of Marine and Coastal Law* 28, 3, 553-554, Available From: Brill <https://doi.org/10.1163/15718085-12341289> [Accessed 30 May 2023]

could need to move their baselines as a result of increasing sea levels. Future issues might arise as a result of this. The participating states may be able to negotiate a consensus on this issue. Each state will set its maritime borders and baselines irrespective of any potential changes in the sea's level, according to the agreement between the states. In accordance with Article 15 of the United Nations Convention on the Law of the Sea (UNCLOS), "where the coasts of two States are opposite or next to each other, neither State has the right, unless they agree otherwise, to extend its territorial sea beyond the median line, which points are all at equal distances from the closest points on the baselines from which the width of the territorial sea is measured." This means that neither state will be allowed to extend its territorial sea beyond the median line if they are unable to come to an agreement. The legal authority and weight that these points merit will be granted to them as a result of this decision. In spite of this, it is almost certain that "select base points by reference to the physical geography of the relevant coasts," whether done by the Court or the Tribunal, will be carried out. Particularly important coastline stretches are those that reach into neighboring states.⁵⁴ At the first stage of the legal process for establishing the maritime border, which entails drawing a provisional line, the court is in responsible of making these decisions. The basis points on the acceptable coastlines, according to the International Court of Justice, should be those that "mark a significant change in the direction of the coast." This was done to ensure that the geometric figure representing the general direction of the coastlines was appropriately reflected by the line linking all of these places. It was a conflict between Ukraine and Romania.

This ruling was made in the context of the Romania/Ukraine case.⁵⁵ The effect, if any, of changing the topography of the coast or any corresponding change in equity that may emerge from this is not addressed in the sections of the Convention that deal with maritime delimitation. The vessel that collided with another ship or a permanent object like a bridge, wharf, or pier is not liable for damage unless the collision was caused by a flaw or negligence on the part of the vessel, or a deliberate act by the navigator. In maritime

⁵⁴(1982) *United Nations Convention on the law of the sea* -. Available at: https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf (Accessed: 28 May 2023).

⁵⁵ Tanaka, Yoshifumi. "Reflections on maritime delimitation in the Romania/Ukraine case before the international court of justice." *Netherlands International Law Review* 56.3 (2009): pp.397-427.

law, negligence establishes collision damage liability. The puzzle is complete when a moving boat hits a stationary item or a securely tethered or anchored boat, the moving boat is considered to be at fault, but proof is not necessarily needed. In such a case, the moving vessel may need to prove its legality. Countries that ratified the 1910 Brussels International Convention for the Unification of Certain Rules Relating to Ship Collisions apply the “comparative negligence” rule.⁵⁶ If both vessels were at fault for the collision, the damages will be split proportionally. The US has not joined the Convention; hence, their regulations state that if both ships are at fault, the damages are split equally. This is true even if both ships were at fault. The sentence applies even if one ship was more bothersome. Non-Convention nations use the “contributory fault” method. Both developed and developing nations can qualify. Most Latin American nations share this attribute. If both ships were negligent, their owners and pilots will pay all damages.

2.8 Salvage and General Average

General average and salvage are concepts found in maritime law's canons. If an outside party is able to save maritime property from being lost or damaged due to hazards in the sea or other waterways, they are entitled to a prize and a maritime lien on the property under salvage law, even if they are not directly participating in the maritime operation. Whether the maritime property was saved from danger on another body of water or from loss or damage at sea, this rule remains in effect. The amount of the award will be based on how much effort was put in, how much skill and energy the salvagers displayed, how much money was at risk (including the value of the vessel or other property used in the service), how much risk the salvagers took, and how dangerous the situation was that the property was rescued from. The concept of the general average is still widely accepted,

⁵⁶ Parks, Alex L. "1910 Brussels Convention, the United States Salvage Act of 1912, and Arbitration of Salvage Cases in the United States." *Tul. L. Rev.* 57 (1982):pp. 1457.

despite calls for its elimination by some. The accounting and other costs associated with maintaining a general average are often disproportionate to the sums being dealt with, and there are times when the same underwriters are responsible for insuring both the hull and the freight.⁵⁷ Any cargo interest may make a general average contribution claim against any ship, and any ship may make claims against any cargo interest or interests. Actually, counterclaims and offsets will happen frequently. Any structure that is launched, is used for navigation, and does not utilize oars to move forward is considered a ship. Ships have existed since the Stone Age. This building may already exist or it may be in the process of being constructed. It is possible to include in the definition of "ship" any type of vessel that can be used for navigation as long as it is not propelled by oars, such as a canoe. This definition of "ship" encompasses such diverse vessels as hovercraft, oil drilling rigs, lighters, and hopper or dump barges. A ship or vessel is any man-made object that is designed for use on the high seas or in navigable rivers. Both watercraft and aircraft fall within this category. The principles underlying maritime liens and ship mortgages depend on the definition of a ship because only "ships" as they are strictly defined, or sections of "ships," or goods on board, may be the subject of maritime liens or debts and, by necessity, any maritime claims arising therefrom. Ships are frequently used as a means of transportation to move people and products from one location to another. Each of these activities benefits or has benefits for several parties, including the owners, characters, suppliers, builders, repairers, and even personnel. These issues might be derived from those of other parties or they might spontaneously originate from the operations.⁵⁸ These rights frequently result in legal conflicts in jurisdictions abroad when the laws are different from those of the ship's "home" state or the jurisdiction in which it is registered.⁵⁹

Despite the fundamental rule in maritime law that any claim can be pursued through a personal action, it is possible to take the ship that is carrying the cargo by using a personal action as the legal mechanism. In order to defend or enforce any proprietary interest in a vessel, it is necessary to file a lawsuit in the appropriate court within the designated

⁵⁷ Richards, Norman B. "Maritime liens in tort, general average, and salvage." *Tul. L. Rev.* 47 (1972):pp. 569.

⁵⁸ Sharpe, H. Birch. "Maritime Salvage." *LQ Rev.* 22 (1906): pp.163.

⁵⁹ Von Mehren. "Trautman, Jurisdiction to Adjudicate." *HAiv. L. REV.* 79 (1966):pp. 1121-1140

jurisdiction. This is required by due process of law. This objective can be achieved by the filing of a claim with the court. In the event that the state in which the issue is resolved is not the same state as the state in which the vessel is registered, a conflict of laws may result. In some legal systems, but not all, it is possible to file a lawsuit against the vessel itself (in the form of an "action in rem") as well as the owner on an individual basis (in the form of an "action in personam"). Both "action in rem" and "action in personam" are phrases that make reference to these two distinct categories of legal proceedings. The question of whether an action in rem is a procedural or substantive concern is one that is debated by a significant number of legal thinkers. The "procedural" way of thinking that is common in the UK focuses on the establishment of legal procedures as well as the arrest or seizure of the vessel as the primary action points. The "substantive" school of thought, which is based on the legal idea that the right of action is enforceable against the "res" or person of the vessel, is the dominant school of thought in both the United States and Canada. However, in other countries, such as Australia and New Zealand, other schools of thought are more prevalent.⁶⁰ These two schools of thought are similar in that they both begin with the premise that the vessel itself is a person. Because any decision or judgment handed down by the appropriate court is to be served at the res itself, it is customary to file an action in rem against the res in a jurisdiction where the vessel can be recognized. This is because any order or judgment handed down by the appropriate court is to be addressed at the res itself. This is due to the fact that any order or judgment that is handed out by the appropriate court should be aimed directly at the res itself. This means that an action in rem must be brought against the property in question, which is legal jargon for "the property in question must be the subject of the action." On the other hand, an action in personam must be taken wherever the owner, charterer, or operator of the vessel may be located, either personally or in connection with the business. This can be done either in connection with the individual or with the business. This is because an action in personam is directed at the person of the defendant rather than the business. This

⁶⁰ Udo, Edidiong Jacob, Okubor Cecil Nwachukwu, and Patrick Chukwunonso Aloamaka. "Legal Evaluation of the Doctrine of General Average Loss: The Purpose in Modern Day Maritime Transaction." *Jurnal Office* 3.2 (2017).

could be the residence of the vessel's owner or it could be the location where the yacht is chartered. For the purpose of enforcing maritime liens and mortgage claims, writs "in rem" or "in personam" may be procured in the majority of common law nations and served by the master of the vessel on either the vessel or the individuals concerned, depending on which is relevant. This may be done for the purpose of maritime lien enforcement and mortgage claim enforcement. The "in rem actions" as they are technically known are unheard of in the vast majority of countries whose legal systems are regulated by civil law. Instead, the process of applying for "saisie conservatoire" is used to enforce maritime claims,⁶¹ called conservatory attachment as well. Respectively. Following the start of the "in rem" case, this procedure forbids the defendant's assets from being moved out of the state or distributed. A request for the vessel's detention is possible.

2.9 Maritime Insurance

Save water Shipping standards demand maritime insurance's economic impact. Ship owners often have "hull" and "protection and indemnity" insurance that Avoids litigation, and Insures Ocean freight, Modern risks. This inquiry cannot handle maritime insurance law problems.⁶²

⁶¹ Udo, Edidiong Jacob, Okubor Cecil Nwachukwu, and Patrick ChukwunonsoAloamaka. "Legal Evaluation of the Doctrine of General Average Loss: The Purpose in Modern Day Maritime Transaction." *Jurnal Office* 3.2 (2017).

⁶² Danforth, Warner C., and Chris Athanasios Theodore. *Hull Insurance and Protection and Indemnity Insurance of Commercial Fishing Vessels*. Vol. 241. US Department of the Interior, Fish and Wildlife Service, 1957.

Insurance companies manage to ship and cargo accidents, maritime law amendments must consider insurance because taxing Uninsured Ocean vessels may hurt business.

2.10 Mariners share losses for profit

Since the 18th century, the UK treaties, the "perils" ⁶³ section lists natural and man-made dangers, including the enemy seizing or destroying the ship "Perils" lists insured hazards Insurance hazards are "perils" or "dangers" 1898 Lloyd's ⁸⁰ had "free of capture and seizure" stipulations.

Insurance Contract terms avoided arrest and jail. No war. War risk or maritime insurer fees can abolish F.C. &S. Only paying more evades this rule because more approve. War insurance costs the most. The first maritime liability policy covered carelessness. Early maritime insurance was common. Hull insurance covers "running down" and "collision" claims.

2.11 Boaters aren't Liable

This paragraph exonerates the boat's owner and captain. Hull underwriters initially refused to cover more than 75% of accident risk because they thought owners and operators wouldn't be pushed to maintain their boats in excellent condition and recruit competent captains and crews. Hull underwriters initially rejected 75% accident risk. Hull policy excluded ship defects over 75%. They couldn't pay. In the 1800s, iron and steel steamships increased ship owners' risks. UK ship owners created "protection and indemnity" clubs, or "P. and I. Clubs. We protected each other." P. and I. Clubs" allowed owners to work less than employees. Piers, bridges, and people suffered. Owners took precautions. These plans covered 25% of non-hull-insured vessel damage. British, Scandinavian, and Japanese clubs controlled 80% of ocean tonnage by 1973. Goal achieved. Foreigners packed P&I clubs.

⁶³ Evans, Malcolm David, ed. *international law*. Oxford University Press, USA, 2014.

2.12 International Regulations

International law governs maritime law, according to many. Maritime law is flavored by internationalism. When the facts are unclear, judges often look to foreign cases or statutes for guidance. Unless it has established international commitments, every government can pass maritime legislation. Even though most maritime nations disagree with all of these ideas, the effort to bring maritime law back to its Middle Ages-era level of uniformity on a global scale is gaining momentum. This happened despite several of these regulations. The Comité Maritime International (CMI), often known as the International Maritime Committee, has succeeded in several areas. Maritime law is enforced by the IMO's more than 30 member nations. International maritime law is the Comité's main focus. The Belgian government receives a final draft, The Belgian government calls a diplomatic meeting to debate and alter the CMI text. The national governments will be requested to ratify the new accord if the conference approves. Even though most of these treaties haven't been ratified, several have made great progress. At a Washington, DC, meeting in 1889, the first international maritime collision regulations were established. Since 1914, London has hosted maritime safety conferences to discuss and implement innovative ideas. By now, every maritime government has agreed to follow the guidelines. Consider these recommendations a universal navigational norm. The York-Antwerp Rules of General Average ⁶⁴ are the most famous example. In 1950, these standards were revised for the first time since 1890. When included they may define parties' responsibilities and rights under the agreement charter agreements and bills of lading.

A revised SOLAS Convention was ratified in 1960 as a result of the first diplomatic meeting the newly formed IMO organized, which was centered on maritime security. The International Convention on the Safety of Life at Sea was ratified on June 17, 1960, in London. Then, in 1974, a new revision that changed the previous convention was introduced to take its place. An updated version was included in the International Convention on the Safety of Life at Sea, which became operative on November 1st, 1974

⁶⁴ Felde, Leon S. "General Average and the York-Antwerp Rules." *Tul. L. Rev.* 27 (1952): pp.406

in London. "Tacit acceptance procedure" for changes, which was a crucial aspect of the 1974 SOLAS Convention.⁶⁵

This ensured that, absent objections from a specific number of states, the required amendments would go into effect on the specified day. Since it was presumed that the participating states had accepted the terms after some time, this process expedited the implementation of legal instruments (Article VIII, Section 74 of SOLAS).⁶⁶ The approach makes it possible to make modifications in a shorter amount of time, guaranteeing an easy process of amending the Convention as required. The International Convention on Load Lines,⁶⁷ which went into effect on July 21, 1968, was another significant maritime safety convention that the IMO enacted. It was published in London on April 5, 1966. The purpose of this convention was to establish guidelines for the maximum loads that ships on international trips may carry.

The Convention that was signed specified both the methods for calculating a ship's freeboard and its reserve buoyancy. They also paid close attention to the details, such as safe material handling procedures and the routes for transporting potentially hazardous materials. Two significant maritime safety conventions were approved and ratified in 1972 by the International Maritime Organization (IMO). The Convention on International Maritime Rules for the Prevention of Collisions at Sea was the first of these. The first of two contracts reached that year was signed by both parties on October 20 in London. The second was the Convention for Safe Containers (CSC),⁶⁸ which established standards for the strength of shipping containers in addition to international laws to ensure their safety. The rules and laws mentioned above are still in force today. The Collisions at Sea

⁶⁵ Shi, Lei. "Successful use of the tacit acceptance procedure to effectuate progress in International Maritime Law." *USF Mar. LJ* 11 (1998): pp.299.

⁶⁶ Fitzmaurice, Malgosia. "Consent to Be Bound—Anything New under the Sun?" *Nordic Journal of International Law* 74.3-4 (2005): pp.483-507

⁶⁷ Mankabady, Samir. *The International Maritime Organization, Volume 1: International Shipping Rules*. 1986

⁶⁸ Martin, Sally, Jeffrey Martin, and Polin Lai. "International container design regulations and ISO standards: are they fit for purpose?" *Maritime Policy & Management* 46.2 (2019): pp.217-236

1979 (COLREGs) ⁶⁹ program established standards for the bare minimum safe distance between two ships in an effort to decrease the number of accidents that happen on the water. The best way to notify people when a ship is in danger was another topic that the IMO extensively discussed. The International Maritime Organization (IMO), which established the Global Maritime Trouble and Safety System (GMDSS) in 1999, ⁸⁷ enables immediate assistance to be obtained whenever a ship is in danger thanks to its capability to communicate with other ships around the world. Chapter IV of SOLAS 74 contains an in-depth discussion of GMDSS. Hamburg, Germany's acceptance of the International Convention on Maritime Search and Rescue (International Convention on Maritime Search and Rescue, April 27, 1979) ⁷⁰ was another factor in the development of the Global Maritime Distress and Safety System (GMDSS). ⁷¹ SAR, an organization that stands for "Search and Rescue," was founded in 1983 along with the goal of improving SAR operations at sea. ⁷²

2.13 The Purpose and Characteristics of Maritime Law

In maritime law, which is also referred to as "*admiralty law*," consideration of individual interests is required. It is referred to as the "Law of the Sea" in both domestic and international legal systems. The primary goals of maritime law are to protect ships' readiness security and safety at sea as well as to address issues with cargo shipping, ship registration, ship damage, and maritime insurance. A maritime law course must cover the following topics: maritime pollution (liability claims, public law regime, safeguarding the environment, and resource conservation); navigational incidents (collision, salvage, and towing); maritime insurance for ships (marine policy, insurance coverage interest, indemnification); and other maritime law. A set of laws and regulations known as the

⁶⁹ Johansen, Tor Arne, Tristan Perez, and Andrea Cristofaro. "Ship collision avoidance and COLREGS compliance using simulation-based control behavior selection with predictive hazard assessment." *IEEE transactions on intelligent transportation systems* 17.12 (2016): pp.3407-3422.

⁷⁰ OKELLO, STEPHEN OUSA. *THE MARITIME SEARCH AND RESCUE BILL*, 2011. Diss. United Nations, 2011.

⁷¹ Tetley, Laurence, and David Calcutt. *Understanding GMDSS: the global maritime distress and safety system*. Routledge, 2012

⁷² Aguirre, Benigno E., et al. "The social organization of search and rescue: Evidence from the Guadalajara gasoline explosion." *International Journal of Mass Emergencies & Disasters* 13.1 (1995): pp.67-92.

"Law of the Sea" are applicable to all oceanic and coastal areas. These regulations will control a range of activities, such as mining, handling legal disputes (like those involving international trade), using natural resources, and other things involving the distribution of natural resources and territorial disputes), piracy, and disputes over jurisdiction, hot pursuit, and other related issues. Intense pursuit is forbidden by the rules governing the oceans.

2.14 Legal Features of Maritime Law

The definition of maritime law given by Gilmore and Black is "a corpus of rules, conceptions, and legal procedures governing certain vitally significant problems of the business of moving goods and passengers by water." ⁷³ This justification is contained in the section titled "Maritime Law." In William Tetley's Glossary of Maritime Terms, the term "maritime law" is defined as "a full system of law, public and private, substantive and procedural, national and international." ⁷⁴ A definitive definition of maritime law is provided by Black's Law Dictionary, which states that it is "the body of law governing maritime commerce and navigation, the carriage of persons and property, and maritime affairs in general; the rules governing contract, tort, and workers' compensation claims or relating to commerce on or over water." ⁷⁵ The term "maritime law" is used to refer to "the body of law governing maritime commerce and navigation, the carriage of persons and property, and maritime affairs in general." Even though they are thorough, the aforementioned definitions probably don't cover all the topics covered by this area of law. Tetley's statement emphasizes the scope of this area of law, in contrast to the other two definitions, which concentrate on the fundamental ideas of the law of the sea. The body of legislation that regulates ships and shipping could serve as an example of a concise and comprehensive description of maritime law. It establishes which nation has jurisdiction over which ships and is known as the law of ships. The numerous private companies that operate ships on the oceans are regulated by maritime regulation as a subset of law. This means that it covers things like "sea carriage," "affreightment contracts," "maritime

⁷³ Jarvis, Robert M. "Gilmore & (and) Black at 50." *J. Mar. L. & Com.* 38 (2007): pp.135

⁷⁴ Tetley, William, and Robert C. Wilkins. "Glossary of maritime law terms." (No Title) (2004).

⁷⁵ O'Brien, Francis J. "Admiralty." *Brook. L. Rev.* 45 (1978): pp.717.

insurance,” “maritime liens,” and so forth. Despite sharing an etymology with maritime law, the two fields of law are distinct. The law of the sea, which regulates interactions between nations regarding the ocean and the seafloor, both within and outside of territorial waters, is a part of public international law. A subset of private law called admiralty law, commonly referred to as maritime law, controls the movement of individuals and cargo on the sea and other bodies of navigational water. Frequently referred to as “*admiralty law*,” this field of law. Employees, ship owners, cargo owners, operators, and maritime insurance are the main stakeholders in maritime law. Thus, this body of domestic law known as “maritime law” regulates interactions between parties involved in maritime commerce. This body of legislation is commonly referred to as “maritime law”. In most jurisdictions, only bodies of salt water are subject to maritime law. Internal waterway shipping regulations tend to be inconsistent with each other. However, a number of countries maritime regulations may apply to shipping operations in domestic water bodies.

All shipping activities in the lakes, rivers, and canals of the Scandinavian region, for instance, are governed by maritime law. As is the case in the vast majority of countries that move goods, the Maritime Code only applies to maritime transportation activities. The general layout of the code, especially the preamble, provides clues to these. The prologue to the 1960 Ethiopian Maritime Code states that the increase in Ethiopia's maritime trade might necessitate the codification of the Code because of the restoration of Ethiopia's historic Red Sea seacoast.⁷⁶ This is said while the once-abandoned coastline of Ethiopia is being rebuilt. You can also utilize the supplied definition of “ships” to help you figure out which sections of our Maritime Code apply to your situation. Article 1 of this code specifies that “a ship is...any seagoing vessel.” This expression does not refer to boats or ships used for transportation on lakes, rivers, or oceans. Since our Maritime Code was not written to cover non-seagoing boats, it is not the law that governs the transportation of goods by such vessels. In addition to the Maritime Code, this

⁷⁶ Fiskin, R. and Nas, S., 2013. A content analysis of the “international journal on marine navigation and safety of sea transportation” from 2007 to 2012. *TransNav: International Journal on Marine Navigation and Safety of Sea Transportation*, 7(1), pp.145-149.

phenomenon can be seen in other legislative legislation. When goods or people are transported via inland rivers, this is considered maritime transportation, and hence the Maritime Code does not apply (as stated in Article 563 of the Commercial Code). This provision was added because maritime traffic is governed by the Maritime Code.

Given the foregoing, it should come as no surprise the regulation of activities is the primary focus of maritime law, which is a subset of local privacy law involving ships in international waters. While the maritime laws of each country have their own distinct characteristics that set them apart from one another, there are some generalizations that can be made regarding maritime law.

2.15 Other Features of Maritime Law

2.15.1 National Legislation

The natural world on a global scale maritime law is generally governed by national legislation, although in practically all jurisdictions, foreign components, especially international agreements, have a considerable influence on maritime law. This holds true even if external influences have an outsized impact on maritime regulation. This is because of the international nature of the delivery process. Ships wearing the flag of a nation can travel across countries and sail in any international waters that allow it. It's common practice for ships to dock in foreign countries for provisioning and maintenance. Injuries to crew members are a real possibility when traveling offshore or in another country's waterways. In addition, there is always the risk of the cargo being lost or damaged while crossing international waters or waiting in a foreign port. Since antiquity, widespread usage and practice have been possible thanks to this old foundation. At the national level, customary rules and procedures are now codified. Maritime law is therefore a branch of domestic law that is susceptible to the influence of foreign law. This is perhaps why those who practice maritime law see themselves as experts with a worldwide perspective.

2.15.2 The Breadth of Maritime Law (Fullness of Maritime Law)

The second factor to think about is fullness. The second fundamental feature is the breadth of maritime law. Like civil law and common law, maritime law encompasses all aspects of legal life. It's also important to note that maritime law existed before common law and probably co-evolved with civil law. When broken down into its component statutes, maritime law is clearly a massive body of legislation. According to William Tetley, maritime law has historically had its own laws for the following things: sales contracts (for ships), services contracts (towing), leases (chartering), carriage contracts (for goods transported by sea), insurance (marine insurance being the precursor to insurance on land), agency contracts (for ship chandlers), pledge contracts (for bottomry and respondentia), employment contracts (for masters and seamen), maintenance and cure contracts (for illnesses and injuries), and general average contracts (for risk distribution). This clause has always been a part of both customary and international law. With this case, private international law may have emerged. Furthermore, it keeps both domestic and international public law. There have always been special tribunals and procedures for maritime law. Ultimately, as we'll see, maritime law's "raison d'etre" is to govern interactions between people on the water, whether they be contractual or tortuous in nature. The breadth of the law is illustrated by its administrative and criminal provisions. Maritime law, in a nutshell, is a body of rules that applies to both public and private maritime issues, while the latter receives the bulk of the attention.

2.15.3 Legal Acronyms and Acronyms Unlike other areas of Law

Maritime law tends to use specialized terminology that is foreign to those who study other types of law. Without a foundational knowledge of such shipping jargon, it's possible that you'll struggle to grasp the subject matter. Different legal languages have likely arisen because of the distinct path that this area of law has taken in its development. When compared to the development of other legal systems, the early maritime law that served as the foundation for modern maritime law stands apart.

Despite having its roots in Europe, traditional shipping law relied solely on "custom and usage of the sea." Keep some basic notes on this specialized vocabulary, even though most of it will be reviewed in later meetings: charter parties, salvage, liens on ships, and general average. A charter party, according to the second edition of William Tetley's *Glossary of Maritime Law Terms* (2004),⁷⁷ is a contract under which all or a section of a ship is chartered for a certain trip or duration. You decide how long the celebration lasts. This idea first appears in the text when the charter party is discussed an enforceable lawsuit made against a ship, and occasionally freight or bunkers, for services rendered or ship damage, is known as a maritime lien in (*The Glossary of Maritime Law Terms*, 2nd Edition, 2004). This assertion might be made in return for payment. The sum that ship and cargo owners (or their insurance providers) are required to pay in order to cover customary expenses and sacrifices. This is what statisticians call a "general average." A maritime lien or statutory right in rem may be used to secure a cargo's claim against a ship for general average contributions, as explained in (*The Glossary of Maritime Law Terms*, 2nd Edition, 2004). However, this depends on the specific jurisdiction.

⁷⁷ TETLEY, QC. *"William. Glossary of Maritime Law Terms, 2004."*

2.16 A Commentary of Chapter II

Maritime law was initially used by the ancient Egyptians and Phoenicians, and the Romans made the Mediterranean Sea an important center of culture and trade for the Western world. The development of maritime law in Europe began in the late Renaissance and declined with the rise of nationalism in the 17th century. The Maritime Code of Christian XI of Sweden, the Maritime Ordinances of Louis XIV of France, and the Code of Christian V of Denmark all led to the establishment of the French Admiralty Court, the German Commercial Code of 1861, and the Rolls of Oléron.

The subfields of maritime law include collision liability, maritime insurance, and boat mortgages. Legal problems frequently occur in courts outside the ship's home state or registration state, where the laws differ. Maritime insurance is crucial for saving water shipping standards, but insurance companies must consider insurance to avoid taxing uninsured vessels.

Maritime law is a full system of law, public and private, substantive and procedural, national and international. The primary goals of maritime law are to protect ships' readiness security and safety at sea, address issues with cargo shipping, ship registration, ship damage, and maritime insurance. A maritime law course must cover topics such as maritime pollution, navigational incidents, maritime insurance for ships, and other maritime law.

Maritime law is generally governed by national legislation, although foreign components, especially international agreements, have a considerable influence on it. The breadth of maritime law is significant, covering a wide range of activities, including maritime commerce, maritime pollution, navigational incidents, maritime insurance, and other maritime law. It has been part of both customary and international law, with private international law emerging.

Maritime law is characterized by its administrative and criminal provisions, governing interactions between people on the water, whether contractual or tortuous. It is a body of rules that applies to both public and private maritime issues, with the latter receiving the bulk of the attention.

CHAPTER III

3.1 The False Contradiction between Human and State Security

Virtually all attempts to define human security have focused on protecting individuals from harm. The United Nations Development Programme defines human security as "safety from such chronic threats as hunger, disease, and repression [and] protection from sudden and hurtful disruptions in the patterns of daily life" (UNDP, 1994).⁷⁸ There are many concerns about this definition in the academic community. It's often said that the

⁷⁸ Gwiazdon, Kathryn Anne. "International Law and Human Security: The Environmental and Geopolitical Impacts of China's Artificial Island-Building at Fiery Cross Reef." *The Role of Integrity in the Governance of the Commons: Governance, Ecology, Law, Ethics* (2017): pp.105-122.

idea gives false hope to the poor because it's too general and lacks analytical rigor, examples include the works of Paris.⁷⁹ The vagueness of the term and the lack of specificity concepts are two of the most common complaints. To illustrate the benefits of this concept compares it to others of a similar nature, such as sustainable development, which are generally well-received but poorly understood. Making an individual the standard against which security is evaluated does not help prioritize actions or reduce human insecurity, argues Khong, 2001. Khong argues that this is so because it is unfair to judge all methods of security against the efficacy of a single person. Khong's belief that people must work with their government and the state to get out of poverty is further evidence of his state-centric worldview. Despite these concerns, the proposal initiates a vital conversation about the government's obligation to protect its citizens from threats to maritime security. Although the human security agenda is often framed as a challenge to the primacy of the state, having the person as the referent object actually strengthens state security.⁸⁰ For reasons of national security, it is preferable to make the individual the focal point. Although Khong makes a strong case for human security, he fails to account for the possibility that the state is the tyrant and/or the state's failure to uphold its obligations, such as ensuring the general welfare and/or the security of its internal constituents, which may include people, may cause humanity's uncertainty.

Despite Khong's compelling argument in favor of human security, he disapproves of the possibility that the state is the oppressor. (Kaunert and Leonard 2013)⁸¹ state that this report's authors viewed the broad applicability of these security definitions as a strength. This is so because they understood the interconnected nature of the various other considerations. The elements of the report are meant to complement the definition from

⁷⁹ Newman, Edward. "Human security." *Routledge Handbook of Peace, Security and Development*. Routledge, 2020. pp.33-44

⁸⁰ Voelkner, Nadine. "Governmentalizing the state: The disciplining logic of human security." *Security and Global Governmentality*. Routledge, 2010. pp.144-161.

⁸¹ MacKenzie, Alex, Christian Kaunert, and Sarah Léonard. "EU counterterrorism and the southern Mediterranean countries after the Arab Spring: new potential for cooperation?" *Democracy and security* 9.1-2 (2013): pp.137-156.

1994. Others who agree with the human security principle have spoken out against the broader application of the term.

According to these authors, conceptual clarity is more important than using vague terms like "freedom from fear" and "freedom from want" to describe human security.⁸² Several authors, including Buzan⁸³ and Martin & Owen, 2010,⁸⁴ have argued that the concepts of human rights can be strengthened by adopting this overarching concept. Brauch, 2005⁸⁵ is one scholar who advocates for a broader definition of human security that includes both "freedom from fear" as well as "freedom from want." This disproves those accusations. Despite the fact that there is no agreed-upon term for security for humans, the concept can still be useful if it is conceptualized broadly to provide a framework for an interdisciplinary approach that marries development and security. The UN Human Security Unit found in 2009 that individual freedom and security are the two most crucial elements for advancing human security. In this context, fishing that is illicit, undetected, and uncontrolled is one of several hazards that must be avoided against, and the state's role as the provider of security necessitates that it does so. In this sense, "empowerment" refers to the use of strategies that boost a person's resilience in the face of adversity and encourage them to make decisions for themselves. When people are given the means to reach their full potential and are safeguarded from harm, they are inclined to support the development of solutions that will raise the level of security for everyone. The littoral communities of the Gulf of Guinea could have their means of subsistence guaranteed if the risks posed by the maritime environment were mitigated and the communities were helped to fortify themselves against their inherent precariousness.⁸⁶ According to the Commission on Human Security, only the state can offer people complete security and empowerment, hence only the state can give human security. This idea acknowledges and

⁸² Winter, Jacob. "Freedom from Fear: A New Paradigm for Human Security?" *Undercurrent* 10.3 (2014): pp. 37-45

⁸³ Buzan, Barry. *The United States and the great powers: World politics in the twenty-first century*. Polity, 2004

⁸⁴ Martin, Mary, and Taylor Owen. "The second generation of human security: lessons from the UN and EU experience." *International affairs* 86.1 (2010): pp.211-224.

⁸⁵ Brauch, Hans G. *Threats, challenges, vulnerabilities and risks in environmental and human security*. UNU-EHS, 2005.

⁸⁶ Tadjbakhsh, Shahrbanou. "Human security and the legitimization of peacebuilding." *Palgrave advances in peacebuilding: Critical developments and approaches* (2010): pp.116-136.

highlights the state's responsibility to protect its own assets, including its people, territory, economy, and environment, for the benefit of all.

Protecting state security can enhance human security, according to some researchers, including the idea's proponents, who have seen this as a progressive co-optation, adaption, cajoling, and persuasion into a statist framework.⁸⁷ However, this reading is not always correct. There is little hope that state elites will truly the state occasionally engages in fundamental inequalities (such as the use of force, equality violations, a lack of social justice institutions, and patriarchy, among other things), hence it is important that the state commit to increasing human welfare.⁸⁸ This is because the state is sometimes involved in perpetuating systemic inequality. In contrast to the state-centric perspective that has been upheld in the field of human security,⁸⁹ argues that the primary goal of the concept is to make the human being the referent object. According to Duffield & Waddell,⁹⁰ the Commission for Human Security argues that a strong state that can guarantee the security of its citizens is preferable to a weak, fragmented, or anarchic one. While Duffield and Waddell acknowledge that the argument appears to center on restoring the state, they argue that this only serves to highlight the value of an efficient state. It is a well-known fact that the best way to achieve success in any endeavor is to first establish a solid foundation of knowledge and understanding. Coastal communities need strong state institutions to manage maritime resources responsibly. Until then, coastal communities will not have the safety they require.⁹¹

3.2 Human and Fish Security

⁸⁷ Wibben, Annick TR. "Human security: Toward an opening." *Security Dialogue* 39.4 (2008):pp. 455-462.

⁸⁸ Joseph, Dana L., and Daniel A. Newman. "Emotional intelligence: an integrative meta-analysis and cascading model." *Journal of applied psychology* 95.1 (2010):pp. 54.

⁸⁹ Greaves, Mel, and Carlo C. Maley. "Clonal evolution in cancer." *Nature* 481.7381 (2012):pp. 306-313.

⁹⁰ Duffield, Mark, and Nicholas Waddell. "Securing humans in a dangerous world." *International Politics* 43 (2006): pp.1-23.

⁹¹ Okafor-Yarwood, Ifesinachi, et al. "The blue economy—cultural livelihood—ecosystem conservation triangle: the African experience." *Frontiers in Marine Science* 7 (2020): pp.586.

To keep their health, the residents of Liberia's coastal fishing communities need to regularly consume fish. Fish is the primary food and revenue source for millions of people in Africa. Fish is a key export product as well. This group is believed to comprise residents of Liberia, the Gulf of Guinea coast, and other locations around the African continent. It is the main source of protein for tens of millions of people in the Gulf of Guinea region, including Liberia.

According to research conducted by Okafor-Yarwood,⁹² the fishing industry in West Africa, directly and indirectly, employs nine million people. According to multiple sources, including,⁹³ Somalia,⁹⁴ Virdin, 2019,⁹⁵ and Okafor-Yarwood,⁹⁶ fish is a major driver of FDI in the region. This highlights both the interdependence of several facets of human security and the importance of protecting the maritime environment for human security. Economic insecurity threatens coastal communities' "freedom from fear" and "freedom from want" by creating long-term poverty and joblessness. This is because long-term poverty and joblessness can result from economic uncertainty.⁹⁷

⁹² Okafor-Yarwood, Ifesinachi. "Illegal, unreported and unregulated fishing, and the complexities of the sustainable development goals (SDGs) for countries in the Gulf of Guinea." *Marine Policy* 99 (2019): pp.414-422.

⁹³ Okafor-Yarwood, Ifesinachi, and Dyhia Belhabib. "The duplicity of the European Union Common Fisheries Policy in third countries: Evidence from the Gulf of Guinea." *Ocean & Coastal Management* 184 (2020): 104953

⁹⁴ Belhabib, Dyhia, U. Rashid Sumaila, and Philippe Le Billon. "The fisheries of Africa: Exploitation, policy, and maritime security trends." *Marine Policy* 101 (2019): pp.80-92.

⁹⁵ Virdin, John, et al. "West Africa's coastal bottom trawl fishery: Initial examination of a trade in fishing services." *Marine Policy* 100 (2019): pp.288-297

⁹⁶ Okafor-Yarwood, Ifesinachi, et al. "Survival of the Richest, not the Fittest: How attempts to improve governance impact African small-scale marine fisheries." *Marine Policy* 135 (2022): 104847.

⁹⁷ Okafor-Yarwood, Ifesinachi. "The cyclical nature of maritime security threats: Illegal, unreported, and unregulated fishing as a threat to human and national security in the Gulf of Guinea." *African Security* 13.2 (2020):pp. 116-146.

3.3 The History and Significance of the Fisheries and Aquaculture Industries in Liberia:

Since the beginning of time, Liberians have fished in their rivers, lagoons, and coastal areas using nets, hooks, lines, and traps. Nevertheless, the first piece of evidence dates back to 1960, when a total of 44 canoes were said to have been seen fishing in the vicinity of the coast. The Kru people, of Liberian descent, the Fanti and Ewe people, of Ghanaian ancestry, and the Popoh people, of Togolese ancestry, gathered about 2,000 metric tons of microscopic pelagic and demersal fish annually in the 1980s. These individuals are natives of Liberia, Ghana, and Togo, respectively. Off the coast of Liberia during the same decade, the 1970s, a fleet of about twenty industrial ships engaged in bottom-dwelling fish and shrimp fishing. They frequently spent weeks at a time at sea while traveling in larger vessels that had crews of up to ten men. Around 2,000 metric tons of shrimp and 3,000 metric tons of fish were brought into the country by these ships each year.

According to projections made by the Bureau of National Fisheries (BNF), the fisheries have the potential to advance to the point where it will be possible to achieve an annual maximum catch of approximately 50,000 metric tons. This level was considerably higher than the reported catches at that time. Following this, Liberia entered a protracted civil war, which also happened to coincide with the country's fishing laws gradually getting worse. Scientists currently know very little about fishing techniques, stock health, and the ecology that supports fisheries as a result of the suspension of monitoring and research. As a result, there was very little information available regarding fishing operations. This meant that there were very few resources available to teach people how to fish properly. The Liberian government lost out on tax revenue during this time because foreign fishing vessels were able to operate in its territorial waters and steal fish that would have been sold legally. As a result, money that could have been used to support Liberia's government was lost. There is little doubt that this unrestrained free-for-all situation had a detrimental effect on the ecological health of the ocean and the health of fish populations. For the past

two years, the BNF has been harshly prosecuting fishing boats that are operating illegally in Liberian waters. This has directly led to the tracking down and capture of over 40 vessels. Currently, Liberia's fishing industry contributes 3% of the nation's overall GDP and 12% of its agricultural GDP. More than \$400 000 in money was made in 2011 via the sale of fines, import and export fees, inspection fees, observer fees, and fishing licenses. Because foreign vessels caught unlawfully fishing in fisheries waters were successfully prosecuted, this sum increased to over \$6.0 million by the middle of 2013. The total amount of penalties levied as a result of these inquiries and legal actions, majority of people or more than half, as it is estimated live in coastal areas where fishing is either their only or primary source of income. This applies to a lot of people who live in rural areas, especially women and children. The average yearly consumption of fish per person is only 4 kg, compared compare to 22 kg for the average worldwide and 17 kg for other coastal nations in sub-Saharan Africa.

However, fish is thought to account for 65% of the nation's consumption of animal protein. Due to its widespread availability and far lower cost than both beef and chicken, fish is a popular replacement for those other protein sources. What matters most is how much you respect both your time and your reputation. Along with the ongoing exportation of smaller species, Liberia also exports larger, more lucrative species like shrimp. Business numbers are allegedly overstated. This is a result of two contemporary problems, the illegal fish trade problem, and the inadequate monitoring procedures problem. At the Central Agriculture Experimental Station in Suacoco, Bong County, aquaculture operations were started in the 1950s with the construction of fish ponds. In Bong County, these bars were situated. Catfish, common carp, and Nile tilapia were grown in these ponds. Aquaculture-related projects have been ongoing in Liberia for some time.

Throughout the 1970s and 1980s, the World Bank provided funding for agricultural development programs (ADPs)⁹⁸ in the counties of Lofa, Nimba, and Bong. Farmers were able to use earthen ponds for monoculture and polyculture thanks to these ADPs. Recent innovations include the cage-based cultivation of *Oreochromis niloticus* and *Clarias*

⁹⁸ Logan, Ikubolajeh Bernard, and Kidane Mengisteab. "IMF-World Bank adjustment and structural transformation in sub-Saharan Africa." *Economic Geography* 69.1 (1993): pp.1-24.

species, as well as integrated fish farming using *Heterotis niloticus* to produce rice in barrage ponds. The non-profit Association Pisciculture et Développement Rural en Afrique (APDRA), which, between 2010 and 2013, collaborated with 143 fish farmers in the counties of Bong, Nimba, and Lofa, discovered that their typical annual income was LRD\$137,396 and their typical annual output was 3 tons/ha/year. Between 2010 and 2013, data for this inquiry were gathered.⁹⁹ The ponds have a 30-hectare total area. The three counties generate 429 tons of fish annually, all of which are harvested in large, well-managed ponds that are regularly replenished with cattle manure and are free of any feed inputs. There was no food provided for these fish. The *Heterotis niloticus* species of interest was reared in a system with rice, tilapia, catfish, and catfish. With the help of commercial fish growers running aquaculture as a company, The industry's capacity for production could reach 15,000 tons by 2030, providing enough fish to make up for the annual deficiency from capture fisheries and to sell to international lucrative markets for foreign imports currency. If commercial fish producers believe aquaculture to be a reliable source of revenue, then this prognosis is possible. Commercial fish growers must actively participate in this initiative for it to be successful. It is widely believed that the fishing sector could have a significant impact on the country's economic development. The initial stages of this process are already finished. For instance, the 2010 implementation of Fishery

Regulations strengthened the legal system. By 2012, the regulations had been implemented in a way that increased the supply of fish for all three groups, including the Treasury, the fishing industry, and consumers. Therefore, there were more fish in the ocean. In 2012, there was more fish available to consumers and on the market as a result of the Fishery Regulations' successful implementation. Additionally, it is abundantly clear from this that the rest of the world is aware that Liberia is the place to be for the fisheries industry.¹⁰⁰ If this potential contribution is to be fully realized, two of the most significant

⁹⁹ Hanquiez, Isabelle, and M. Oswald. "Développer la pisciculture en Afrique tropicale humide pour renforcer la sécurité alimentaire." *Grain de Sel* mars-août 2009 46.47 (2009): 28-29.

¹⁰⁰ Wuor, M. and Mabon, L., 2022. *Development of Liberia's fisheries sectors: Current status and future needs. Marine Policy*, 146, p.105325.

challenges that must be overcome are the restoration and reconstitution of fish stocks and the improvement of fisheries governance. The industry's policies and strategies are designed to lay the foundation for the transition to continue.

3.4 A Commentary of Chapter III

The goal of this qualitative research project is to increase the effectiveness and job satisfaction of the maritime industry by examining the effects of inadequate maritime protection on the open seas. Legal publications, legal texts, and trustworthy websites are used in the study to collect data. The International Maritime Organization, the Liberia Maritime Authority, and the International Maritime Pacts are the main subjects of the study because they have all improved maritime security. However, the study extensively utilizes secondary sources and does not use quantitative approaches, which could make the research more difficult. The researcher's ability to collect data is also limited by time and financial constraints.

Human security is a complicated idea that has come under fire for being too general and lacking in detail. According to the United Nations Development Programme, it is "safety from persistent threats such as hunger, illness, and repression and protection from abrupt and harmful disruptions in routines of daily life." Critics contend that setting an individual as the benchmark for security assessment does not aid in setting priorities for actions or lessen human insecurity. The Commission on Human Security contends that as only the state is capable of offering complete security and empowerment, only the state can give human security. Because economic instability affects coastal populations' "freedom from

fear" and "freedom from want" by causing long-term poverty and unemployment, robust governmental institutions are necessary to manage maritime resources properly.

The fishing and aquaculture businesses in Liberia have existed there since the 1960s. Due to the suspension of monitoring and research, the country's fishing regulations have gotten worse, leaving us with little knowledge about fishing methods, stock health, and the environment that supports fisheries. Foreign fishing vessels have cost the government tax income by stealing fish that would have been sold legally, which has a negative impact on fish populations and the ecological health of the ocean.

The fishing industry has the potential to have a big impact on how the nation develops economically. The first steps of this process have already been finished with the 2010 implementation of Fishery Regulations, which strengthened the legal system and increased the supply of fish for all three groups, including the Treasury, the fishing sector, and consumers. Liberia has to enhance fisheries governance and overcome obstacles like the rebuilding and reconstitution of fish supplies in order to fully exploit this potential contribution.

CHAPTER IV

4.1 The Overarching Framework for International Policy:

The international community has invested a lot of time, energy, and money into developing legally binding and voluntary international fisheries mechanisms, and Liberia has made a significant contribution. Both voluntary and legally binding agreements are used to run the fishing industry. These agreements set rules for how the industry should grow and how it should be run. For fisheries to be managed, these conditions must be met. Here is a short list of some of the most important tools used in this field: There are laws and rules about fishing everywhere in the world. The United Nations Convention on the Law of the Sea (UNCLOS) was the first of these. It was made in 1982. This historic agreement is the first of its kind. It lays the groundwork for a legal system that covers all parts of the ocean. It also sets up a way to protect and manage fishing resources, and it asks for international cooperation to protect and manage living maritime resources in each country's area of authority. It also gives a way to manage and protect fishing supplies. In maritime areas that are controlled by the government, this rule must be followed. Liberia has signed two fishing agreements that are well known, respected, and legally binding.

Liberia has signed on to these Agreements

Building on the detailed terms of the deals from 1982, the Fish Stocks Agreement of 1995 puts an emphasis on both the parties' ability to work together and the Regional Fisheries Management Organizations' ability to take care of the fish stocks. Also, the Food and Agriculture Policy and Strategy for Liberia, which was set up freely in 1995 and is now in its 2008 version, uses the international best practices listed in the CCRF of the FAO in the right way. The goal was to make sure that the country's fisheries were treated in an honest way.¹⁰¹ This was done to ensure that Liberia's food and farming systems will be able to function effectively for a significant amount of time into the future. When it comes to fisheries, members of the international community for the protection of the environment make use of the following tools: The 1981 Abidjan Convention for Co-operation in the Protection and Development of the Maritime and Coastal Environment of the West and Central African Region is one of the treaties that Liberia has put its signature to as part of its collection of agreements. This indicates that Liberia is legally bound to adhere to the conditions of the agreement.¹⁰² This deal emphasizes how important it is to rebuild coastal ecosystems and fisheries resources to stop the decrease of fish populations and stop more fisheries from going under. Two good examples of relevant voluntary promises are the Johannesburg World Summit on Sustainable Development Declaration from 2002 and the Rio+20 - The Future We Want Declaration from the United Nations Conference on Sustainable Development in 2012. Both of these statements were made at global meetings on sustainable development. These two comments were made at the World Summit on Sustainable Development in Johannesburg.¹⁰³

The International Convention for the Prevention of Pollution from Ships (MARPOL), which was in effect from 1973 to 1978, the International Convention for the Safety of

¹⁰¹ Hosch, G., 2009. *Analysis of the implementation and impact of the FAO Code of Conduct for Responsible Fisheries since 1995. FAO Fisheries and Aquaculture Circular, (C1038), pp.I.*

¹⁰² Barnes-Dabban, Harry, CSA Kris van Koppen, and Jan PM van Tatenhove. "Regional convergence in environmental policy arrangements: A transformation towards regional environmental governance for West and Central African ports?" *Ocean & coastal management* 163 (2018): pp.151-161.

¹⁰³ Michelsen, Gerd. "Policy, politics, and polity in higher education for sustainable development." *Routledge Handbook of higher education for sustainable development. Routledge, 2015.pp. 64-79.*

Fishing Vessels, which was in effect from 1977 to 1993, and the Organizations in Charge of Regional Integration are all examples of international maritime and shipping mechanisms that are significant to fisheries.¹⁰⁴ - International Convention for the Prevention of Maritime Pollution by Dumping of Wastes and Other Matters, 1973/78.¹⁰⁵ COMHAFAT is an acronym that stands for the Ministerial Conference on Fisheries Cooperation Among African States Bordering the Atlantic Ocean),¹⁰⁶ (FCWC) is the Fishery Committee for the West Central Gulf of Guinea),¹⁰⁷ and the Eastern Central Atlantic Fisheries Committee (CECAF)¹⁰⁸ consist of the three regional fisheries bodies (RFBs) to which Liberia belongs. Liberia has begun to apply to join the ICCAT, which is the International Convention for the Conservation of Atlantic Tunas. The latter is in charge of making sure its members follow the rules for conservation and management that they are officially required to follow. The CCRF is in line with many of the big changes that these groups have made. Liberia is a member of three groups that work to bring economies together: the African Union (AU), the Economic Community of West African States (ECOWAS), and the Mano River Union (MRU). As part of their plans to join together, all three of these groups want to work together on fishing. Liberia is a member of every single one of these groups. Liberia is a part of the Interim Guinea Current Commission, which is a group for a body of water that both countries use.

4.2 The Overall National Policy Structure:

This was discussed in relation to agriculture, which includes fisheries, according to the Food and Agriculture Policy and Strategy (FAPS). Considering the 2008 Liberian Poverty

¹⁰⁴ Ringbom, Henrik. "Vessel-source pollution." *Research handbook on international marine environmental law*. Edward Elgar Publishing, 2015. pp.105-131

¹⁰⁵ Timagenis, Gregorios J. "International control of marine pollution." (No Title) (1980).

¹⁰⁶ Agbeja, Yetunde E. "An overview of efforts towards collaborative fisheries management in the Gulf of Guinea by Nigeria." *International Journal of Fisheries and Aquatic Studies* 4.4 (2016): pp.10-114.

¹⁰⁷ Adewumi, Ibukun Jacob. "Fisheries committee for the west central Gulf of Guinea (FCWC)." *Encyclopedia of Sustainable Management*. Cham: Springer International Publishing, 2020. pp.1-5.

¹⁰⁸ Garcia, Serge, and Francis Poinsard. "The Committee for the Eastern Central Atlantic Fisheries (CECAF) and the management of West African resources: critical review and implications of extended jurisdiction." *Management of world fisheries: Implications of extended coastal state jurisdiction*. The University of Washington Press, Seattle (1989): pp.121-156.

Reduction Strategy,¹⁰⁹ It is safe to infer that what has been mentioned applies to the general strategy and plan for rebuilding the nation after the civil war. This plan was put into action in the year 2008. Without the Liberian Poverty Reduction Strategy, this building could not have been made. Because things change quickly in Liberia, even though the FAPS was finished in the middle of 2008, some of its parts are already out of date in terms of the data and priorities that are currently being put first. But there are still issues that are important to fisheries, like recognizing the link between food, health, and sanitation, making plans to make fisheries less vulnerable to climate change, increasing women's economic participation by giving them more access to resources like credit, land, technology, and market information, getting more young people to work in the sector and making sure they do, and making sure fisheries last. These are just a few of the many problems that keep happening in the fishing business. Some of the key strategic initiatives for the subsector that are mentioned in the FAPS are community fisheries centers, a port for fishing, a recovery strategy for the aquaculture industry, a database of investor information, and effective monitoring. The CCRF's implementation as well as programs to increase fish supplies such as improved gear, easier access to landing zones and processing facilities are both important, and the creation of community fisheries centers, are also important strategic moves. Within the framework of the policy, these things have been taken into account as much as they are relevant. When making the strategy and policy we've been talking about, the legal and policy environments of other industries related to the fisheries and aquaculture sector were taken into account. Here are the most important tools that matter when it comes to coherence: The "Maritime Act" 2010,¹¹⁰ which was passed in 2010, making the Liberia Maritime Authority (LMA) an official business and emphasizing how important it is for agencies and departments to work together. According to the "Maritime Act" (2010) and the "Liberia National Policy on Decentralization and Local Governance" (2010),¹¹¹ especially for inland fisheries, one of

¹⁰⁹ Sherman, Lawrence, et al. "Implementing Liberia's poverty reduction strategy: an assessment of emergency and essential surgical care." *Archives of Surgery* 146.1 (2011): pp.35-39.

¹¹⁰ Bell, Peter, and Julianne Webster. "Teaching and Learning in Maritime Security: A Literature Review." *Journal of Policing, Intelligence and Counter Terrorism* 5.2 (2010): pp.23-39.

¹¹¹ Fjeldstad, Odd-Helge, and Kari Heggstad. "Local government revenue mobilisation in Anglophone Africa." (2012).

the most important aspects of managing artisanal fisheries is decentralizing the government. This is especially true for fisheries that are on land and have fresh water.

The Environmental Protection Agency Act of 2003 ¹¹² set up a monitoring, coordinating, and supervising authority so that environmental problems in Liberia could be dealt with and coordinated by different government departments. The National Defense Act of 2008 ¹¹³ spells out in detail what the Liberian Coast Guard is supposed to do, where it can go, and how it works with the Bureau of National Fisheries. Executive Order No. 39 of 2012 set up the line between Liberia and the rest of the country. The National Adaptation Program of Action, ¹¹⁴ which tells the government how to deal with the effects of climate change, lists fishing as a major area of concern. The National Capacity Development Strategy ¹¹⁵ lays out a vision for capacity development. Its goals are to be comprehensive, long-lasting, results-driven, and integrated with the country's larger development agenda. According to the National Food Security and Nutritional Strategy from 2008, all Liberian citizens have the right to enough food to be able to fully participate in society. The goal of the Agriculture Sector Investment Program for 2010 is to give women and young people more power, make the economy more dependent on fishing, and make sure that everyone in Liberia has access to healthy food. Because the BNF's capacity will be increased and good governance and sustainable management of fisheries will be put in place, there will be less fishing that is unreported, uncontrolled, and unlawful. The program will also improve what the BNF can do.

¹¹² Tweh, Clement G., et al. "Conservation status of chimpanzees *Pan Trsoglodytes* versus and other large mammals in Liberia: a nationwide survey." *Oryx* 49.4 (2015): pp.710-718

¹¹³ Sayndee, T. Debey. "Developments in Legislative Oversight in Liberia." *West African Experiences* (2015): 61

¹¹⁴ Nwagbara, Glory. "Review of the Liberia National Adaptation Programme of Action." (2013).

¹¹⁵ Oji, Michael Ogbonnaya, et al. "Implementing infection prevention and control capacity building strategies within the context of Ebola outbreak in a "Hard-to-Reach" area of Liberia." *Pan African Medical Journal* 31.1 (2018).

4.3 A Compare and Contrast of Liberia Maritime Security and Cyprus Maritime Security Practices

While Liberia is in West Africa, Cyprus may be found in the eastern Mediterranean. Because of their different locations, the security issues in these two countries are very different. While both countries have maritime security difficulties specific to their

regions, there are several important ways in which they differ in how they tackle these problems.

Liberia's national security has always been a concern. From 1989 until 2003, a terrible civil war raged. Crime, corruption, and political turmoil are still important problems despite recent advances. On the other hand, there hasn't been much bloodshed in Cyprus recently. On the other hand, the island nation has felt the effects of regional security issues including the Syrian Civil War and tensions with Turkey over their maritime borders. Because of its strategic location in the eastern Mediterranean, it plays a pivotal role in the transportation of oil and gas from the Middle East to Europe. The coast of Cyprus is sheltered. Cyprus has made it a top priority to strengthen its navy and coast guard in order to prevent illegal activities like piracy, smuggling, and illegal fishing from taking place in its territorial seas and within its exclusive economic zone (EEZ). This is done in order to protect oneself from harm. Cyprus has developed partnerships with neighboring countries to promote safer maritime conditions.¹¹⁶

On the other side, Liberia is a good option because of its thriving maritime sector and its large ship registry. However, the government has addressed problems including piracy, illegal fishing, and other forms of water-based crime. In response to these threats, Liberia has worked with international organizations, strengthened its own navy and coast guard, and expanded its fleet size to boost maritime security in the region.

Cyprus and Liberia, both geographically vulnerable, take different approaches to maritime security, depending on their respective histories, present situations, and future goals.

4.4 Case Laws of Liberia Maritime Security

The laws governing maritime security in Liberia are as follows.

¹¹⁶ Mainwaring, Cetta. "Small states and nonmaterial power: Creating crises and shaping migration policies in Malta, Cyprus, and the European Union." *Journal of Immigrant & Refugee Studies* 12.2 (2014):pp. 103-122

Maritime security in Liberia is governed by a number of case laws due to its status as a major flag state. Notable cases shall be included.

Regarding M/V Saiga (No. 2) (1999), hereby, it is decided that... incident relates to the act of piracy in which pirates took control of an oil tanker sailing under the flag of Liberia off the coast of West Africa. Increased international collaboration in battling piracy and maritime crime is hereby declared.

The M/V Alaed, a cargo ship flying the flag of Liberia, was captured by Russian authorities in 2002 on suspicion of violating UN sanctions by transporting weapons to Iraq. As the case has shown, adherence to multilateral sanctions regimes is essential.

A bulk carrier sailing under the Liberian flag, the M/V Tai Prosperity, 2007, was taken over by Somali pirates in 2007 off the coast of Somalia. The waters off the Horn of Africa are dangerous for shipping because of piracy.

M/V Arctic Sea Case of 2009, a cargo ship flying the flag of Liberia was forcibly taken into custody in the Baltic Sea in the M/V Arctic Sea Case of 2009. Law enforcement authorities are required to work together more closely in order to investigate and handle maritime security problems.

In the M/V Enrica Lexie Case of 2012, it is officially declared that two Indian fishermen were killed by Italian marines while they were on board the oil tanker M/V Enrica Lexie, which was flying the Liberian flag off the coast of Kerala, India. The question of jurisdiction must be addressed in situations involving crimes committed on board foreign-flagged ships in international waters.

Effective maritime security measures and international cooperation are deemed crucial in addressing maritime security threats, as evidenced by these cases and others.

4.5 The Effect of the Law of Sea and Land Lock Countries:

It is significant information to know that 16 of the 44 countries in the globe that can only be reached by land are in Africa. The governments of these nations must rely on their

neighbors to allow passage for ocean travelers across their country to reach the sea since they lack direct access to the sea. Every rural state is required to have a distinctive landscape that differs greatly from that of its neighboring states. Landlocked nations must have access to the sea in order to sail, transport heavy items, and utilize maritime resources. This is only possible with the aid of transit states. Any nation that is entirely encircled by land is required to have some sort of port.

States that are landlocked require access to the ocean in order to travel, import and export vast quantities of goods, and utilize maritime resources. The responsibility for ensuring that individuals may access these locations is on the transport states. There are no effective, mutually beneficial bilateral, sub regional, or regional agreements in existence that govern the rights and obligations of "land-connected" African countries in the maritime domain. Landlocked nations are granted certain rights under the United Nations Convention on the Law of the Sea (UNCLOS), including the freedom of movement and navigation in both the exclusive economic zone (EEZ) and the high seas. Additionally, as long as they abide by the terms of the agreement, landlocked governments may exercise these rights. There would be no restrictions on movement, it was assured. International trade, however, is impossible for nations without access to water unless they can do so. The requirement for a sizable number of road transport vehicles and their maintenance, as well as the necessity to maintain and improve the railway system, is also required as two challenges that need to be resolved.¹¹⁷

It is possible for two countries, sub regions, or regions to agree on the rules and laws that must be followed in order to take advantage of the freedom to transit. This could also happen between states in motion and states that are still. To make it easier for things to move through transit states, there must be free zones or other types of customs services at the ports of entry and exit. It is against the law to say or suggest that traffic that is already moving is subject to fees, taxes, or other costs other than those that are charged for the services related to that traffic. It is against the law to charge immobile states taxes or fees that are higher than what it costs to use the transportation system or get other services

¹¹⁷ Churchill, R., Lowe, V. and Sander, A., 2022. *Table of treaties. In The law of the sea (pp. xxxviii-lxx).* Manchester University Press.

from transit states. The United Nations Convention on the Law of the Sea says that transit states must be able to exercise their sovereignty over their own land without interference from transit states. This means that transit states must be able to take any and all steps necessary to make sure this happens. It is important to give this job to transit countries.

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Even though there are quicker ways to get to Zambia through coastal republics, transit traffic has to go through Zimbabwe, Botswana, and South Africa. Inside the exclusive economic zones of the nearby coastal states, no one may mess with life. Article 69 of the UN Convention on the Law of the Sea says that governments on land can use live resources in the exclusive economic zones of coastal states. All landlocked countries must use these resources in a fair and just way, taking into account their location and economic situation and following the rules in Articles 69, 61, and 62.¹¹⁹ Questions like whether governments are necessary to reach fair agreements or whether cooperation can achieve this goal on its own, as well as issues like ensuring a surplus and legally disposing of surplus goods, are all important to think about.

In order for a deal to go through, all parties involved must agree on terms that are fair and reasonable. Article 69 mandates that governments create contracts outlining the terms and conditions for exploiting maritime life within the exclusive economic zones of coastal states. The need to protect fishing populations or coastal communities, the exploitation of natural resources by landlocked states, and the participation of foreign governments in unfavorable situations are all factors that need to be considered in any agreements that are reached. Djibouti and Ethiopia came to an agreement in 2002 regarding the use of ports

¹¹⁸ Wani, Ibrahim J. "An Evaluation of the Convention on the Law of the Sea from the Perspective of the Landlocked States." *Va. J. Int'l L.* 22 (1981): pp.627.

¹¹⁹ Oxman, Bernard H. "The Third United Nations Conference on the Law of the Sea: the seventh session (1978)." *American Journal of International Law* 73.1 (1979): pp.1-41.

and the delivery of products to Ethiopia. All rules governing the conveyance and transit of goods along a predetermined route are covered by the Corridor Agreement.

The Walvis Bay Corridor Group was founded in 2000 as a result of agreement amongst several parties. The meeting place for all modes of transportation must be Namibia's port of Walvis Bay. Johannesburg, South Africa, and Gaborone, Botswana, are connected via the Trans-Kalahari corridor. The Trans-Capriivi corridor runs from Lubumbashi, Democratic Republic of the Congo, to Lusaka, Zambia, and Harare, Zimbabwe. The Trans-Cunene route ends in Lubango, Angola.

The Trans-Oranje corridor connects Cape Town, South Africa, to the rest of the nation. A lot of things have changed as a result of the establishment of this neighborhood organization, including an increase in trans-Kalahari trade and a doubling of containerized freight in Walvis Bay. Landlocked states have a lot of freedom to use the sea and its living resources because to the UN Convention on the Law of the Sea. The UNCLOS regulations dealing to the rights of landlocked states must be implemented, and this requires the political will and goodwill of the participating States.

4.6 A Commentary of Chapter IV

Liberia made a substantial contribution to the development of legally enforceable and voluntary international fisheries procedures, which the international community heavily committed resources on. Liberia has ratified international maritime and shipping conventions, as well as accords like the 1995 Fish Stocks Agreement and the Liberia Food and Agriculture Policy and Strategy. The nation is a part of the Economic Community of West African States, the Mano River Union, and the African Union, three organizations that promote economic cooperation. Community fisheries centers, a fishing port, a plan to revive the aquaculture business, a database of investor data, and efficient monitoring are some of the subsector's major strategic efforts.

The Liberia Maritime Authority (LMA) is a government organization, highlighting the significance of collaboration across ministries and agencies. The Liberia National Policy on Decentralization and Local Governance places a strong emphasis on the value of decentralizing power for artisanal fishing, especially those that take place on land with fresh water. A monitoring, coordinating, and overseeing authority is established by the Environmental Protection Agency Act of 2003 to manage environmental issues in Liberia.

The movement of oil and gas from the Middle East to Europe is greatly aided by Cyprus, which is situated in the eastern Mediterranean. To combat criminal activity like piracy, smuggling, and illicit fishing, the nation has expanded its navy and coast guard. Case laws from the M/V Saiga, M/V Alaed, and M/V Tai Prosperity, among others, control the maritime security of Liberia.

Landlocked countries are given certain rights under the UN Convention on the Law of the Sea (UNCLOS), such as the ability to move around and navigate in both the exclusive economic zone (EEZ) and the high seas. The necessity to preserve fishing communities,

the role of landlocked states in the exploitation of natural resources, and other governments in difficult situations must all be taken into account in agreements.

CHAPTER V

5.1 What are the legal aims of Liberia's Maritime Security?

Over 4,000 ships now fly the Liberian flag, making Liberia a nautical country with one of the biggest ship registries in the world. Liberia is known for its maritime industry. The Liberian Maritime Authority (LMA), which is the country's maritime administration, is in charge of regulating and facilitating maritime business. The principal responsibility of the Liberian Maritime Authority (LMA) is to guarantee that all vessels flying the Liberian flag are safe and secure, as well as that they abide by all relevant international maritime regulations, including those put forth by the International Maritime Organization (IMO). Owners and operators of ships may benefit from a variety of services provided by the LMA, including registration of their vessels, inspections, and certifications. Along its coastline, Liberia has a variety of ports and terminals that have been built to promote maritime business. The Port of Monrovia, which is the country's primary seaport, is one of these establishments. Cranes, cargo handling equipment, and storage facilities are some examples of infrastructure and equipment that have been funded by the government as part of an effort to facilitate the flow of products through the nation's ports. Liberia has ratified and formally ratified all relevant international treaties and agreements pertaining to maritime trade. These include the International Convention for the Safety of Life at Sea (SOLAS), which establishes minimum safety standards for ships, and the United Nations Convention on the Law of the Sea (UNCLOS), which decides how the oceans and their riches can be used. The United Nations established both of these conventions. Liberia has also signed and ratified a number of additional treaties and conventions to show its dedication to the international community related to maritime

commerce. In general, Liberia's legislative framework and infrastructure support the country's position as a significant participant in the global maritime sector. This, in turn, makes it possible for commodities to be transported across the world's seas in a manner that is both secure and effective. Title 21 of the revised Liberian Code of Laws, which includes the relevant provisions of the Maritime Law, shall be cited as the "Maritime Law" hereinafter. To avoid any misunderstanding, the following guidelines shall be used "Maritime Law." This title deals with any issues that arise on board a ship flying the Liberian flag, such as those brought up by the crew. Any and all obstacles must be removed. Any reference to the Maritime Law in any Act, regulation, or other legislative, administrative, or executive act shall instead make reference to Title 21 of the Laws of the Republic of Liberia. This amendment shall take effect on the date of the enactment of this Act. Boats with this registration are required by law to undergo inspections and keep documentation showing they've passed all required inspections on board at all times. To protect the well-being of those onboard ships is hereby required. The International Regulations for Preventing Collisions at Sea,¹²⁰ as amended, and any future international treaties to which Liberia becomes a State Party, must be followed by all vessels and seaplanes operating in Liberia's harbors, rivers, and inland waters. Liberia will adopt all modifications necessitated by subsequent international treaties to which it is a party. All Liberian-flagged ships and aircraft flying over or transiting international waters must follow these rules. A fine of up to \$20,000 USD may be imposed for each vessel used in violation of this chapter. The ship's owners will be held responsible for the fine, and the Republic in question may seize the vessel and bring its crew to justice.

5.2 What is preserving the freedom of the Liberia Sea?

Due to its proximity to the sea, Liberia is required to uphold a number of maritime regulations. The following will be elaborated upon below the power to regulate vessels flying the Liberian flag and ensure they comply with the law. As a flag

¹²⁰ Zhang, J., Yan, X., Chen, X., Sang, L. and Zhang, D., 2012. A novel approach for assistance with anti-collision decision making based on the International Regulations for Preventing Collisions at Sea. *Proceedings of the Institution of Mechanical Engineers, Part M: Journal of Engineering for the Maritime Environment*, 226(3), pp.250-259.

state, Liberia has jurisdiction over any vessel flying the Liberian flag. The country recognizes the legitimacy of such an advantage in the maritime sector. Everyone needs to be certified, inspected, and compliant with security regulations. The principle of Port State Control must be upheld. Liberia is a signatory to the Paris Memorandum of Understanding on Port State Control, which means that foreign-flagged vessels docking in Liberian ports are subject to inspection.¹²¹ Inspections must be carried out to ensure that ships meet all applicable security and environmental regulations. Because of its status as a signatory to the Paris Memorandum of Understanding on Port State Control, Liberia is bound by its terms. The maritime law is binding on all persons and organizations. The Liberian Coast Guard is the government agency charged with upholding maritime law in the country of Liberia. The group is responsible for enforcing maritime law in the country's exclusive economic zone and territorial seas. The Djibouti Code of Conduct, which aims to reduce instances of piracy and armed robbery against ships in the region, has been ratified by Liberia. To combat piracy and armed robbery against ships in the area, the Djibouti Code of Conduct was drafted. The promotion of maritime safety drove the creation of this code of conduct. Liberia is required by law to join the International Maritime Organization (IMO), a United Nations agency responsible for regulating international shipping. To fulfill its membership responsibilities, Liberia must actively participate in the development and implementation of international maritime rules and regulations. Without being registered in accordance with the regulations stated in Chapter 2 of this Title, a vessel engaged in foreign trade or solely in trade between ports within Liberia cannot possess the rights and benefits of a Liberian vessel or hoist the Liberian flag. This law applies to vessels of twenty net tons or more, regardless of the propulsion method. A vessel must comply with the requirements set forth in Chapter 2 of this Title in order to register its home port in accordance with the regulations. To be eligible for registration, a ship must list Monrovia as its home

¹²¹ Kiehne, Gerhard. "Investigation, detention, and release of ships under the Paris Memorandum of Understanding on Port State Control: a view from practice." *The International Journal of Marine and Coastal Law* 11.2 (1996): pp.217-224.

port and include that information on its Certificate of Registry. Documentary requirements for de-registration and registration application under this Chapter will be temporarily suspended or modified if a ship has been subject to a judgment or bill of sale by an admiralty court in Liberia or any other jurisdiction without any registration in another jurisdiction causing interference.

5.3 How Does Liberia Legally Defend and Facilitate Maritime Commerce?

The headquarters for the Liberian Registry has always been in the United States. To regulate the functioning of the Liberian Registry, the United States established a framework and guiding principles, which are now part of Liberian law. These laws protect the Liberian people by mandating that the United States give up its veto power over the registry and instead turn it over to a group of international maritime experts. Both conditions are satisfied for people living in Liberia. Because of the strong ties between the United States and Liberia, the Registry can take part in international affairs alongside the most influential industrial organizations. The registration, enforcement of legal compliance, and guarantee of the security of oceangoing vessels are the responsibility of the Liberian Registry, a sovereign maritime body. This duty's management is the purview of the Liberian Registry. The Registry's purview includes the creation of a ship's unique identifier and the registration of legally binding documents like mortgages and bills of sale. The Registry is also responsible for ensuring compliance with international maritime conventions such as the International Convention for the Safety of Life at Sea (SOLAS), the International Convention for the Prevention of

Pollution from Ships (MARPOL), the International Convention on Standards of Training, Certification, and Watch-keeping for Seafarers (STCW), and the International Convention on the Rights of the Seafarer (MLC). Liberia's business registry and ship registry are both available at the same time. Liberia's corporate registry is on par with any other country's official business registration system. The two registries serve essentially the same functions. The participation of prominent ship owners has been crucial to the meteoric rise of the Liberian Registry over the course of its existence. It is also one of the few open ship registers and a member of the Liberian Ship owners Council (LSC), an organization of ship owners that governs itself and is a part of the International Chamber of Shipping. As a direct result of this, it is one of the few open ship registrations.

5.4 What legal means does Liberia maintain at Sea?

The name "Monrovia" will be painted in large, white letters on the sterns of many ships you see in any port. Liberia's capital is here in this city; the country is in West Africa. The government of Liberia is dysfunctional after a brutal civil war that lasted for ten years. However, one-third of all ships' tonnage is registered to the Liberian flag, which is flown by more than 1,900 vessels. The majority of these vessels, along with numerous others flying flags from other nations outside Liberia, can be linked to a single Liberian front organization. Most of these vessels may be linked to the front firm, making it possible to identify them. In order to provide American-based ship owners with a means of evading American labor and wage rules as well as taxes while hiring crewmen for their vessels, the Liberian registry was founded in 1948. Currently, the Liberian International Ship and Corporate Registry (LISCR) oversees and controls the usage of the Liberian flag which has its headquarters in Vienna, Virginia. The government of Liberia has no control over

the group. LISCR manages the Liberian government's shipping operations, and the government receives between 35% and 40% of the company's annual revenue as payment. The United Nations claims that former Liberian President Charles Taylor relied heavily on LISCR as a source of hard currency. While in exile in Nigeria, Taylor is being investigated for his role in Liberia's civil war by the United Nations. Thousands of ship owners can legitimately incorporate their vessels through the Liberia International Shipping and Commercial Register (LISCR), which not only flies its own flag but also operates a corporate register out of Monrovia. You can still access this register in the same place. Inspectors from the United Nations who went to 80 Broad Street in the fall of 2003 reported that the corporate register office had been stripped of most of its usable furniture and office equipment. The data provided by the auditors supports this conclusion. Despite this, many ship owners attempt to give their vessels a distinct legal identity in these countries. They do this because it allows them to avoid identification and legal responsibility for their actions. In addition, by not stopping in these ports, their vessels can avoid local taxes. The Liberian Register reduced the cost of the initial registration application in the year 2000. In the United States, for instance, the tonnage tax has been reduced by 75% and is now only \$0.10 per ton. Marketed as "one of the least expensive alternatives for vessel registration" at the moment, the register has established its reputation as a low-cost option. Liberia's ship registration fees can range from US\$2,505 to US\$11,900, depending on the size of the vessel. Ships with a gross tonnage of over 14,000 tons are required to pay an annual tonnage tax in addition to a flat fine of \$3,800 after these initial registration fees have been paid. Owners can use front companies to reduce their liabilities and obligations in the event of an incident on board one of their ships because there are no regulations that require information about the "beneficial ownership" of a ship. This is due to the fact that "beneficial ownership" of a vessel is not a subject that must be disclosed under any applicable law or regulation. In addition to its home state of Virginia, the registry also maintains offices in New York City, London, Zurich, Piraeus, Hong Kong, Tokyo, and Monrovia.

5.5 How does the SOLAS Convention of 1974 help shape Liberia's Maritime?

The International Convention for the Safety of Life at Sea (SOLAS), commonly referred to as the SOLAS Convention, is a key international pact relating to commercial ship safety. The Safety of Life at Sea Convention is another name for it. Signatory governments can be confident that their ships are constructed, outfitted, and operated in conformity with the most fundamental safety requirements by enforcing these procedures. These criteria allow us to assess every aspect of maritime transportation. Setting minimal standards for ship design, building, and operation in order to keep them in service is the core objective of the SOLAS Convention. A specific number of certifications attesting to a ship's compliance with the Convention must be carried by ships flying that flag. States that fly their flags are in charge of ensuring that ships flying their flag abide by local regulations. If there is strong evidence that a ship and its equipment do not adhere to the criteria of the Convention, control provisions grant contracting governments the ability to inspect ships that are flown by other contracting parties. If there are good reasons to assume that the ship and its equipment don't meet the most crucial requirements of the Convention, then this inspection is only permitted. Therefore, the term "port state control" is used to describe the entire operation. On June 17, 1960, the 1960 Convention was ratified, yet it did not become legally binding until May 26, 1965. The International Maritime Organization (IMO) scored its first really significant victory with the passage of the fourth SOLAS Convention. It constituted a significant advance in modernizing laws and maintaining compatibility with the latest technological advancements in the maritime sector. The SOLAS 1974 Act, in its later revised form, became legally binding on May 25, 1980. The Convention is the version that is now in effect, and due to the new tacit amendment mechanism, which is incorporated in Article VIII, it is very improbable that it will be replaced by a new instrument in the foreseeable future. Despite this, the aforementioned Convention has undergone numerous revisions and modifications, notably via the Protocols of 1978 and 1988.

5.6 Is the Security and Safety of Liberia Flag Vessels acting in Accordance with the United Nations Convention on Law of Sea (UNCLOS)?

All ships flying the Liberian flag must abide by the security and safety requirements of the UNCLOS. The country has now officially acknowledged its error. All maritime operations, including navigation, fishing, and laying maritime lines, are governed by the law thanks to the United Nations Convention on the Law of the Sea (UNCLOS). It is in charge of stopping piracy and other illegal maritime operations as well as defending ships from external dangers. Liberia adopted the United Nations Convention on the Law of the Sea (UNCLOS), which created a legal framework for the country's coastal area. An essential part of the overall system is the LMA. To maintain adherence to maritime law, ships flying the Liberian flag must be registered with and inspected by the Liberian Maritime Authority (LMA). The LMA is in charge of ensuring that this stipulation is followed. Any ship, including Liberia, which disobeys UNCLOS rules is breaking the law. It is essential that UNCLOS be followed in order to guarantee the security of ships and the crew on board. To do this, international cooperation is necessary. The Liberian government is required to abide by rules set forth by the International Maritime Organization (IMO) in order to ensure the security of ships flying the Liberian flag. To properly cooperate, the two institutions must acknowledge The Liberian Register as an IMO partner. This information is essential given the prominence of the Liberian flag. The Liberian Registry is in charge of ship registration there. As an IMO member, Liberia is obligated to abide by all IMO rules and laws governing the operation and sailing of its registered ships. The Liberian Registry is required to comply with safety requirements set by the International Maritime Organization (IMO). The IMO has mandated Liberia to put the ISM Code for International Safety Management into effect. Liberia created an SMS that is required for all ships having Liberian registration in order to remedy this problem. Ship owners and operators are obligated to establish and implement safety regulations and protocols, particularly those pertaining to navigation, for the protection of their crews and onboard personnel. SMS is just one of many new safety and navigational measures that Liberia has introduced. All vessels are required to have working radios, compasses, and other navigational aids, and to follow international rules for avoiding collisions at sea. It is also necessary to use electronic charts. This order stipulates that all measures be taken to improve the safety and security of navigation across the country.

5.7 Does the Safety and Navigation Process of Liberia flag Vessels act in Accordance with International Maritime Organization Laws?

Liberia is responsible for guaranteeing the security of the waterways that are a part of its exclusive economic zone (EEZ), contiguous zone, and territorial seas due to its coastal location. A global agreement that establishes standards for maritime cooperation and security is the United Nations Convention on the Law of the Sea (UNCLOS). According to UNCLOS, a coastal authority may only extend its territorial seas a maximum of 12 nautical miles. As long as Liberia abides by the rules it has established for the defense of its maritime borders, it is allowed to protect its maritime borders. Off the coast of Liberia, there is one continuous zone that extends 12 nautical miles beyond the baseline. One person has the power to alter the norms, laws, and traditions of a whole country, but a group of people has a much better chance of doing so. Not just in the United States, but also in other nations, these laws and regulations must be constitutional. Within its Exclusive Economic Zone (EEZ), which stretches out to a distance of 200 nautical miles and begins at the beach, Liberia has the legal right to explore, exploit, protect, and regulate the natural resources that can be found in the oceans, seabed, and undersea surface. The legal justification that was previously provided considers the full EEZ. Maritime activities are subject to several restrictions in order to achieve associated objectives like environmental protection, marine science advancement, stopping and controlling marine pollution, among others. Liberia has to strengthen its ability to enforce maritime laws in order to combat problems like piracy, smuggling, and illicit fishing. This would make it easier for the nation to combat crimes of this nature. All of the aforementioned actions are required to enhance the current legal and regulatory environment that the nation is working in. It can be used with a wide range of international organizations. Liberia must take all necessary steps to safeguard the integrity of its maritime frontiers. Truthfully, there is no way to avoid it. The adoption of a sizable number of international laws and treaties by Liberia has resulted in the country's legal system being significantly improved. In addition to the International Ship and Port Facility Security (ISPS) Code, a global standard, Djibouti has its own set of laws. It is imperative to implement both of these suggestions in order to stop piracy and armed robberies in the Gulf of Aden and the western Indian Ocean. The Djibouti Code of Conduct and the International Ship and Port

Facility Security Code, also referred to as the ISPS Code, were both developed to improve the level of cooperation and coordination amongst nations in the area during the fight against piracy. We initially made sure that we were following the Djibouti Code of Conduct as well as the International Ship and Port Facility Security Code in order to achieve this. However, the ISPS Code's main goal from the start was to increase maritime and port security. At its upcoming meeting, the International Maritime Organization will decide whether to admit Liberia. Commercial ships and the crews who work on them are exposed to threats like kidnapping, piracy, robbery, terrorism, and cybercrime. It has been proven that this is actually the case by events in the recent past and the present. The International Ship and Port Facility Security Code (ISPS Code) has been made required by the Liberian government for all ships flying the Liberian flag and their workers. In addition to safeguarding their ports from thieves and invaders, this will help preserve the region's natural ecosystem. The most effective methods for running this compliance program were addressed at a meeting with security specialists, clients, and authorities. The meeting was attended by representatives from the United Nations, the International Maritime Organization, the International Association of Classification Societies, and the United States Coast Guard. The gathering took place in America. The Liberian Registry must have maritime, tactical, and security expertise on staff, according to the law. These experts must keep up with and evaluate security alerts, situations, and events happening all over the world. By law, the Liberian Administration must collaborate with its customers to facilitate the timely and effective implementation of all ship security procedures. To prevent illegal boarding and piracy, Liberia needs to establish ISPS compliance requirements, implement best management practices, and enact other regulations. In addition to establishing and informing Liberian ships of the security levels in place, providing guidance on managing maritime cyber risk is essential. There should be guidelines on how to prevent piracy and illegal boarding.

Conclusion and Recommendations

With almost 4,000 ships flying the Liberian flag, maritime security for Liberia is essential for its economy. The Liberian Maritime Authority (LMA), which also ensures the security and safety of all vessels, controls and supports maritime trade. The LMA offers ship owners and operators a number of services, including as vessel registration, inspections, and certifications. Liberia has ratified a number of international treaties and accords, including the United Nations Convention on the Law of the Sea (UNCLOS) and the International Convention for the Safety of Life at Sea (SOLAS). The Coast Guard of Liberia is the governmental body in charge of preserving maritime law. With the Djibouti Code of Conduct, piracy and armed robberies against ships are expected to decline in the area. Law requires Liberia to become a member of the International Maritime Organization (IMO), a United Nations body in charge of overseeing global shipping. The Liberian Registry is in charge of managing ship registration and ensuring adherence to global maritime regulations. The government receives between 35% and 40% of the company's annual earnings as payment for managing and regulating the use of the Liberian flag through the Liberian International Ship and Corporate Registry (LISCR). The Liberian Registry must have personnel with maritime, tactical, and security knowledge to guarantee compliance with security alerts and events throughout the world. To promote the prompt and efficient implementation of ship security protocols, the Liberian Administration must work with customers. The management of maritime cyber risk and the provision of instructions for combating piracy and illegal boarding are both crucial.

The legal effects of maritime security in Liberia are examined in this thesis. Liberia's efforts to protect its coastlines pose legal difficulties. Liberia has adopted the International Ship and Port Facility Security Code (ISPS) and passed the Maritime Security Act in 2016. This was followed by the formation of the Maritime Security Advisory Committee and the adoption of the ISPS. Because of these changes, Liberia's legal framework for maritime security is very different now. One of the most significant legal ramifications of Liberia's maritime security measures is the increased regulation of vessels and ports that operate within Liberia's territorial seas. For instance, the Maritime Security Act mandates that ships employ security personnel and implement security strategies. This is only one

of several mandatory measures taken to ensure everyone's safety. Penalties and fines may be levied if these regulations are broken.

The liability of ship owners and operators in the event of security-related incidents is also affected by Liberia's maritime security measures. For instance, Liberian law may impose liability on a ship's owners and operators for any damages caused by a security-related incident that occurs while the ship is in Liberian territorial waters. The expenditures of responding to an incident and repairing any harm to the environment could fall under this category of responsibility. Seafarers and others involved in Liberia's maritime industry may also see changes to their legal protections and responsibilities as a result of the country's new maritime security measures. The Maritime Security Act, for instance, requires shipmasters to provide their personnel with education and instruction on maritime security issues. The legal ramifications of Liberia's maritime security policies are substantial. This is due to the fact that adhering to international norms and standards is encouraged and a safer, more secure environment is provided for ships and ports operating in Liberian seas.

Inconceivable tragedies like the tanker explosion that happened on board the *Bow Mariner*, the sinking of the Motor Ship (MS) *Estonia*, and the collision between the MS *Herald of Free Enterprise* and the RMS *Titanic* were all avoidable if maritime security had not been neglected. The reduction of the overall risk profiles of ships is one of the most crucial justifications for prioritizing maritime security. Additionally, this helps reduce maritime mishaps. In order to identify regions of necessary periodic inspection coverage that are inadequate, ship risk profiles are used in the Paris MoU on Port State Control. A low-risk ship (LRS) might only require a checkup once every three years, whereas a high-risk ship (HRS) might require one every five months. The Paris MoU requires all 27 signatory nations to apply the New Inspection Regime (NIR), which includes ship risk assessment as one of its components. Along with Canada and the UK, this concept is applicable to a large number of European nations. The United States Coast Guard is authorized to decide that a ship does not pass the required ship check if there is even the smallest indication that it would be dangerous to sail. Recent incidents as well as those that have happened in the past have demonstrated that commercial ships and the

people who work on board them are vulnerable to a wide range of hazards, such as piracy, terrorism, the taking of hostages, and cyber assaults. According to the Liberian government, following the International Ship and Port Security (ISPS) Code could lessen the likelihood of robberies and attacks against Liberian ships and the crew members on those ships, as well as lessen the vulnerability of the area around the ships. The United Nations, the International Maritime Organization (IMO), members of the International Association of Classification Societies, security consultants, clients, and the United States Coast Guard were all involved in the discussions and meetings that led to the development of the Administration's detailed plans for implementing and overseeing this regulatory compliance program. The program will be in conformity with all relevant requirements thanks to these strategies. The Liberian Registry has a team of trained maritime, operational, and security experts who keep an eye out for any potential threats around the globe. Additionally, they assess how serious such risks are. Legislation that explicitly addresses issues of economic import to ships flying the Liberian flag. (1) The Liberian Maritime Law is contained in Title 21 of the Liberian Revised Code of Laws. (2) Foreign ships are exempt from the provisions of the Liberian Maritime Law. (2) Labor relations are included in this phrase, together with all other facets of the economics and discipline of ships flying the Liberian flag. These boats can be recognized by the Liberian flag. Any reference to Title 22 of the Laws of the Republic of Liberia or any other legislative, administrative, or executive act shall be replaced with a reference to Title 21 of the Laws of the Republic of Liberia, and such change shall be deemed to have taken effect on the date that The Lib. The Liberia Maritime Authority's Commissioner (hereinafter referred to as "the Commissioner") will be chosen in accordance with Section 11 of this Constitution, and he or she will be in charge of all matters relating to domestic and international waterborne commerce in this Republic. The Liberia Maritime Authority was established by the Liberian government with the goal of ensuring that the laws included in this title are adhered to strictly. A violation of Sections 68, 69A, 70, 71, 75, 77, 204, 252, 292, 336, 336A, 342, 345, 353, or 356 of this Title, any Regulations and Rules made by the Commissioner acting under Section 11, any Deputy Commissioner duly appointed and designated for this purpose acting under Section 12, or any Notices issued under Section 13 constitutes a criminal offense.

Like most coastal countries, Liberia has a complex set of problems that must be addressed before it can be sure that its maritime boundaries are secure. One or more of the following problems:

Fishing that is both illegal and not logged or regulated is known as IUU fishing, and it is a significant problem in Liberia's waterways. Due to dwindling fish numbers, this practice may imperil local fishermen's lives as well as the nation's ability to maintain itself. Theft with a weapon and piracy the most likely location for violent robberies and acts of piracy in the Gulf of Guinea is within Liberia's territorial seas. These illegal acts put the security and safety of ships, the people who work on them, and the cargo they convey in danger. Liberia's borders are open, and its laws are frequently broken. This makes it easier for people and items like weapons and drugs that shouldn't be entering the country. Conflict at Sea given its proximity to other West African countries that have seen terrorist strikes, terrorist activity is likely to take place in Liberia's territorial seas. This is particularly true when you take into account Liberia's proximity to these other countries' environmental damage Illegal trash dumping and oil spills could threaten Liberia's marine ecosystem, which provides a sizable portion of the country's residents with a living.

Liberia has made a number of steps to address these problems and improve its ability to keep the waters safe. These include strengthening its judicial and administrative frameworks, increasing patrols and surveillance, and working more closely with its international allies. To protect Liberia's rivers and the people who rely on them for their everyday needs, more needs to be done.

The following suggestions are made for improving maritime security:

The maritime security issues facing Liberia can be resolved by a combination of actions involving both national and international efforts. Here are some potential approaches to solving the problem:

1. Strengthening domestic maritime security institutions: The Coast Guard, Maritime Authority, and Navy are just a few of the domestic maritime security organizations that

Liberia has to fund. For these organizations to properly carry out their purpose, contemporary technology must be supplied, as well as adequate training.

2. Regional collaboration: To exchange intelligence and coordinate efforts to combat marine crime, Liberia should collaborate with nearby nations including Sierra Leone, Guinea, and the Ivory Coast. More effective regional maritime security architecture would result from this.

3. International assistance: To overcome its issues with maritime security, Liberia should look for international assistance. This could include support in the form of instruction, tools, and technical support from the United Nations, the European Union, and other international organizations.

4. Public awareness: To inform Liberians of the value of maritime security and the part they can play in reporting suspicious activity, the government of Liberia should launch a public awareness campaign.

5. Addressing the underlying causes: Liberia must finally deal with the underlying issues that contribute to maritime insecurity, such as poverty, unemployment, and corruption. This would entail putting into practice laws that support employment growth, economic expansion, and ethical government.

6. Strengthening domestic maritime security institutions: The Coast Guard, Maritime Authority, and Navy are a few examples of the domestic maritime security organizations Liberia has to fund. For these organizations to properly carry out their purpose, contemporary technology must be supplied, as well as adequate training.

7. Regional cooperation: To exchange intelligence and coordinate efforts to combat marine crime, Liberia should collaborate with nearby nations including Sierra Leone, Guinea, and the Ivory Coast. A more effective regional maritime security architecture would result from this.

9. International assistance: To address its issues with maritime security, Liberia should look for international assistance. This could include support in the form of instruction, tools, and technical support from the United Nations, the European Union, and other international organizations.

10. Public awareness: To inform Liberians of the value of maritime security and the part they can play in reporting suspicious activity; the government of Liberia should launch a public awareness campaign.

11. Resolving underlying issues: Liberia must resolve underlying issues, such as poverty, unemployment, and corruption that contribute to maritime insecurity. This would entail putting into practice laws that support employment growth, economic expansion, and ethical government.

12. By putting these measures into place, Liberia can strengthen its maritime security and create a more secure environment for both its inhabitants and the rest of the world and conduct regular live maritime exercises involving both military and civilian organizations; monitor and defend vital maritime infrastructure and ships from physical and cyber threats; deal with unexploded ordnance and mines at sea; and increase awareness and preparedness for threats related to climate change and environmental degradation.

13. Risk management: Strengthen existing security management by creating and consistently using risk assessment tools to prioritize security enhancement actions and track their results. To improve the quality, transparency, sharing, and protection of essential security information, an interagency security data management plan should be designed for the benefit of all MTS stakeholders, including federal, state, and local government departments as well as MTS operators. The ISPS Code (International Ship and Port Facility Security Code) and the Maritime Transportation Security Act of 2002 (MTSA 2002) lay the groundwork for national and state-level maritime security regulations, respectively. Develop and oversee an interconnected system of stakeholders who (1) understand their role in preserving maritime security and (2) work together to mitigate threats to maritime safety. Credentialing: Make sure that the Liberian

government can positively identify (1) people who are operating domestic or foreign recreational boats or working on commercial ships in the Liberian Maritime Domain, and (2) people who are present at MTSA-regulated facilities on land or in key components of the Liberian Maritime Telecommunications System. Set up safeguarding systems immediately. Assessing whether or not adopting approved security improvements could significantly increase MTS safety in light of the probability of terrorist attacks requires looking at industry, national, and international transportation safety frameworks. The current Maritime Transportation System (MTS) Security Network can be improved and the flaws in it can be closed by encouraging the development of security technology. Determine what changes are needed to MTS and then provide support for them to make these technologies compatible with the security network. Get your port and maritime workers trained in maritime security so they can accomplish their jobs in line with the MTS wherever they go.

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