SUB-REGIONAL FISHERIES COMMISSION (S.R.F.C.)

(CAPE VERDE, THE GAMBIA, GUINEA, GUINEA-BISSAU, MAURITANIA, SENEGAL)

AMENDMENT TO THE CONVENTION OF 29TH MARCH 1985 ESTABLISHING THE SUB-REGIONAL FISHERIES COMMISSION

PRAIA, CAPE VERDE, 14TH JULY 1993
SUB-REGIONAL FISHERIES COMMISSION

AMENDMENT TO THE CONVENTION OF 29TH MARCH 1985

ARTICLE ONE: articles 1, 5, 6, 7, 9, 12, 13, 14, 15, 16, 18, 19, 21 and 25 of the Convention of 29th March 1985 establishing the Sub-Regional Fisheries Commission are modified as follows:

"ARTICLE ONE:

There is hereby established a Sub-Regional Fisheries Commission which shall be composed of the Governments of the Republic of Cape Verde, the Republic of the Gambia, the Republic of Guinea, the Republic of Guinea-Bissau, the Islamic Republic of Mauritania and the Republic of Senegal. The Commission shall have the legal personality and hence can sue and be sued.

The Commission shall enjoy on the territories of the member States, the privileges and immunities defined in the annex I of the present Convention.

ARTICLE 5:

The Conference of Ministers in charge of Fisheries of the member States is the supreme organ of the Commission.

It is assigned the task of defining the objectives of the sub-regional cooperation and of deliberating upon any issue regarding the preservation and exploitation of the sub-region's fish resources.

However, its action of harmonization in this regard must take into account national fishery policies of the member States.

ARTICLE 6:

The Presidency of the Conference of Ministers shall be assumed in turn by each of the Ministers in charge of fisheries following the alphabetical order of the member States for a two (2) years duration.

Between two sessions, the President of the Conference of Ministers shall represent that organ and shall ensure the implementation of its directives.

ARTICLE 7:
The Conference of Ministers shall meet in ordinary session every two (2) years and in extraordinary sessions as much as is necessary.

The ordinary session shall be convened by the President of the Conference of Ministers for the dates proposed by the State due to host the said session.

The extraordinary sessions shall be convened by the President of the Conference of Ministers either on his/her own initiative or on the request of the majority of the member States.

ARTICLE 9:

The Co-ordinating committee is the consultative technical organ of the Commission. It shall be composed of the Directors of fisheries or any other Expert appointed by the member States.

It shall be assigned the tasks:

- Of collaborating with the Permanent Secretary regarding in particular the organization of meetings and the implementation of the decisions of the Conference of Ministers;

- Of formulating recommendations to the Conference of Ministers on issues to review.

ARTICLE 12:

The Permanent organ, implementing organ of the Commission is the Permanent Secretariat directed by a Permanent Secretary.

The Conference of Ministers on the proposal of the member States, shall decide on the nomination of the Permanent Secretary for a four (4) years period renewable once.

The operating costs of the Permanent Secretariat shall be borne by the contributions of the member States according a schedule defined by decision of the Conference of Ministers, such decision being an integral part of the Convention.

ARTICLE 13:

The Permanent Secretariat under the authority of the President of the Conference of Ministers shall be charged with the tasks:
- Of implementing decisions of the Conference of Ministers;
- Of maintaining regular links with the member States through the members of the Co-ordinating Committee;
- Of preparing documents on management actions to be taken in the interest of the sub-region;
- Of designing in co-operation with research units, joint research programmes to submit for study and funding by funding institutions;
- Of appointing the personnel of the Permanent Secretariat in accordance with the personnel's status adopted by the Conference of Ministers;
- Of implementing the budget as adopted by the Conference of Ministers and reporting to the Conference on the implementation of the said budget;
- Of representing the Commission vis-à-vis to third bodies;
- Of presenting to the Conference, an activities report.

ARTICLE 14:

The Permanent Secretary with the prior approval of the President of the Conference of Ministers, shall organize technical meetings as much as is necessary.

These meetings which can be held in any member State, shall be aimed at reviewing scientific, technical, legal and economic issues or other particular subjects regarding the co-operation programme adopted by the Conference of Ministers. They shall be open to the Experts of the member States and to other personalities invited by the Permanent Secretary.

ARTICLE 15:

The Permanent Secretary shall be responsible to the Conference of Ministers to which he/she shall report on the activities of the Secretariat. Between two sessions, he/she shall be under the authority of the President of the Conference of Ministers.

ARTICLE 16:

The costs of participating in the meetings of the Conference of Ministers, the Co-ordinating Committee or in the technical meetings shall be borne by the participants.
The costs of organizing on its territory, a meeting of the Conference of Ministers, the Co-ordinating Committee or technical meetings shall be borne by the host country.

The financial resources of the Commission shall comprise, apart from the contributions of the States mentioned under article 12 paragraph 3 above, grants from States or international organizations, donations, legacy and other resources compatible with the objectives of the Commission.

ARTICLE I8:

For the achievement of the objectives of the Commission, the Permanent Secretary may cooperate as much as is necessary with national and international bodies having similar objectives with the view to ensuring a collaboration and an efficient co-ordination of programmed actions, on subject for him/her to report to the Conference of Ministers.

ARTICLE 19:

The Permanent Secretary may equally invite any relevant international body to send experts or observers to the meetings of the Commission.

ARTICLE 21:

Any member State wishing to withdraw from the Commission shall notify it in writing to the President of the Conference of Ministers who shall immediately inform other member States.

The present Convention shall cease to apply to that State within a six (6) months delay from the date of notification, without prejudice to the obligations in particular financial obligations resulting from previous commitments.

The withdrawal of a member State shall not imply the dissolution of the Commission.

In the case of a withdrawal of the State currently assuming the Presidency of the Conference of Ministers, the Presidency shall be assumed by the State due to organize the following ordinary session of the Conference of Ministers.

ARTICLE 25:

The present Convention shall be submitted for ratification by the signatory States
according to their respective constitutional procedures. The ratification instruments will be deposited with the host State which shall inform other member States.

Member States shall elaborate and adopt additional protocols prescribing notably measures, procedures and standards aimed at precising and strengthening the modalities of implementation of the provisions of the present Convention.

ARTICLE 2:

The present amendment shall come into force after deposit of the ratification instruments by the member States.

Done at Praia, Republic of Cape Verde, the day of 14th july 1993 in English, arabic, french and portuguese languages, the four (4) texts being equally authentic.

For the government of the Republic of Cape Verde  For the Government of the Republic of the Gambia

Mrs Maria Helena Nobre de Morais Querido SEMEDO  Mister Sajo TOURAY

For the Government of the Republic of Guinea  For the Government of the Republic of Guinea-Bissau

Mister Ibrahima Sory SOW  Mister Eduardo FERNANDES

For the Government of the Islamic Republic of Mauritania  For the Government of the Republic of Senegal

Mister Abdallahi Ould ABDI  Mister Abdourahmane SOW
ANNEX I

PRIVILEGES AND IMMUNITIES OF THE
SUB-REGIONAL FISHERIES COMMISSION

The immunities and privileges which the Sub-Regional Fisheries Commission shall benefit from on the territories of the member States are defined in the present annex to the Convention of 29th March 1985 establishing the Sub-Regional Fisheries Commission.

ARTICLE ONE

The Commission shall enjoy on the territories of the member States, the privileges and immunities necessary to its operation unless express renunciation from its part.

TITLE ONE: GOODS OF THE COMMISSION

ARTICLE 2:

The Headquarters and other premises of the Commission shall be inviolable. Its goods and assets shall be free from any requisition, confiscation, expropriation or any other executive, administrative, legal or legislative constraint.

ARTICLE 3:

The Headquarters shall be under the control of the Permanent Secretary of the Commission.

The Government either administrative, legal, military or police officials or officers of the host country could penetrate in the Headquarters to perform their official duties only with the consent of the Permanent Secretary and on conditions defined by him/her.

However, the Permanent Secretary shall prevent the Headquarters from serving as a refuge for persons:
- Pursued for flagrant offence;
- Sought after for the execution of a legal decision, a deportation act or attempting to back out of a legal procedural act.
ARTICLE 4:

The Government of the host country shall watch over the Headquarters peace and safety.

On the request of the Permanent Secretary, the Government of the host country shall undertake to maintain order at the Headquarters and in accordance with the Permanent Secretary's instructions, shall evict any person deemed undesirable by him/her.

ARTICLE 5:

The Commission for its official communications, shall enjoy a treatment as favourable as that given by the member States to any interstatal organization.

The official correspondence and other communications of the Commission may not be censored ; this shall apply, and this enumeration is not exhaustive, to publications, documents, photographs and to audio-visual tapes belonging to the Commission for its official use.

ARTICLE 6:

The Commission shall be exempted from all duties and taxes and from all import/export prohibitions and restrictions regarding goods imported for its official use. Nevertheless, tax free imported goods could be sold on the territory of the member States only in agreement with the State on the territory of which the sale is effected.

The Government shall commit itself to facilitate the tax free entrance of goods belonging to the Commission for its official use.

ARTICLE 7:

The Commission shall have the right to use for its official needs, the transport means of the Governments of the member States in the same conditions as for permanent diplomatic missions.

ARTICLE 8:

An additional protocol must be concluded between member States to define with precision the conditions of implementation and of achievement of any work of
common interest as well as the reciprocal obligations of the member States.

**TITLE II: IMMUNITIES AND PRIVILEGEDS OF THE COMMISSION'S OFFICIALS, OFFICERS AND EXPERTS**

**ARTICLE 9:**

The Commission's officials, officers and experts who may benefit from the immunities and privileges below shall be listed and such a list shall be forwarded by the Permanent Secretary to the Ministry in charge of external relations of the concerned State. The officials, officers and experts subsequently registered shall be issued a special card for identity by the said Ministry.

**ARTICLE 10:**

The Commission's officials, officers and experts shall benefit from immunities and privileges established under article 4 section 11 of the United Nations Convention of 13th February 1984 on the privileges and immunities.

**ARTICLE 11:**

The Representatives of the member States of the Commission shall benefit from immunities and privileges established under article 5 section 11 of the United Nations Convention of 13th February 1946 on the privileges and immunities.

**ARTICLE 12:**

The privileges and immunities established under the present annex shall be in the interest of the Commission and not for their beneficiaries own profit. The Permanent Secretary shall hold up the immunity of any official, officer or expert in all cases where in his/her opinion, that immunity might hamper the law's action and may be held up without causing prejudice to the Commission's interests.

In the same conditions, the immunity of the Permanent Secretary shall be held up by the Conference of Ministers within the framework of an extraordinary session or through home consultation.

The Commission shall collaborate all the time with relevant authorities of the member
States with the view to facilitating a proper administration of the law, ensuring compliance with police regulations and preventing any abuse that might arise from the privileges, immunities and facilities enumerated in the present annex.

ARTICLE 13:

Foreign experts connected with the Commission by virtue of a technical assistance, shall enjoy on the territory of the member States, the same immunities, privileges and facilities as those established for the Commission's officials and officers.

ARTICLE 14:

Apart from the immunities and privileges provided under preceding articles, the Permanent Secretary himself/herself as well as his/her dependents, shall enjoy privileges, immunities, exemptions and facilities granted, in accordance with the international law, to diplomatic representatives.

TITLE III: FINAL CLAUSES

ARTICLE 15:

The provisions of the present annex shall be interpreted according to its objective which is to allow the Commission fully and efficiently assume its functions and attain its objectives.

ARTICLE 16:

The Permanent Secretary may conclude with several member States, additional agreements aiming with regard to that (those) State (s) at fitting out the above provisions.

The additional agreements will, in each case, be submitted to the approval of the Conference of Ministers.

ARTICLE 17:

The provisions of the present annex shall apply to any other country of the subregion which joins the Commission in accordance with article 17 of the Convention of 29th march 1985 establishing the Sub-Regional Fisheries Commission.
ANNEX II

DIVIDEND KEY OF CONTRIBUTIONS TO THE BUDGET OF THE PERMANENT SECRETARIAT OF THE SUB-REGIONAL FISHERIES COMMISSION

<table>
<thead>
<tr>
<th>COUNTRIES</th>
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<tr>
<td><strong>TOTAL</strong></td>
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