CONVENTION ON SUB-REGIONAL COOPERATION IN THE EXERCISE OF MARITIME HOT PURSUIT

PREAMBLE

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,
- the Republic of Senegal,

hereinafter referred to as the Parties;


Reaffirming their attachment to the objectives of the Convention of 29 March 1985 establishing the Sub-Regional Fisheries Commission;

Taking account of the adoption, on 14 July 1993, of the Convention on the conditions of access and exploitation of the fishery resources off the coasts of the Member States of the Sub-Regional Fisheries Commission;

Conscious of the necessity for joint efforts for an efficient protection and surveillance of the maritime waters under their respective jurisdiction;

Convinced that this collaboration should be made especially in the field, through an effective coordination of the activities
of the structures in charge of the monitoring of the protection and surveillance of fisheries, on land, at sea and from the air;

Conscious that this collaboration will be in favour of the interests of all the members of the Sub-Regional Fisheries Commission, which constitutes the natural framework for fisheries cooperation among the States of the sub-region;

HAVE AGREED AS FOLLOWS:

Article 1
(General objectives)

The objectives of this Convention are:

(a) to lay down rules and modalities for the strengthening of cooperation among the structures responsible for fisheries surveillance of the State parties;

(b) to define the general principles governing the right of hot pursuit when exercised by any State party with respect to any vessel operating in the waters under its national jurisdiction which, after unsuccessful summons to stop, attempts to evade the control exercised by an aircraft and/or a vessel on the service of this State;

(c) to lay down fundamental principles concerning cooperation among the Parties in connection with the exercise of this right of pursuit, including the settlement of effects arising from the exercise of that right.
Article 2
(Definitions)

For the purposes of the present Convention and its protocols:

- the pursuing State is the State to whom the pursuing vessel or aircraft belongs;

- the State of refuge the State in whose national waters, the pursue vessel seeks refuge.

Article 3
(Principles relating to the right of pursuit)

Any vessel carrying out fishing activities in the waters under the jurisdiction of one of the States parties to the present Convention may be pursued and arrested by a vessel or aircraft of that State, when, after unsuccessful signals to stop, that vessel tries to escape the control of the pursuing State, beyond its maritime boundary.

The right of hot pursuit must not be interrupted:

1. without limit beyond the territorial sea;

2. within the limits of the territorial sea, in accordance with the limits agreed upon by the States through protocol.

The pursuing vessel and/or aircraft must communicate all relevant information to the authorities of the State of refuge, to which the pursued vessel navigates.
Article 4
(Pursuit of vessels flying the flag of Member States of the Sub-Regional Fisheries Commission)

When the pursued vessel flies the flag of a State which is a member of the Sub-Regional Fisheries Commission, cooperation between the authorities of the pursuing State and those of the State of refuge will be carried out in accordance with the modalities set out in the implementing protocols as may be signed by the Parties.

All necessary measures will be taken to ensure that the State party, member of the Sub-Regional Fisheries Commission, of which the pursued vessel flies the flag, is duly informed of the administrative and legal procedures initiated by another State party, member of the Sub-Regional Fisheries Commission, against the vessel of its nationality.

Article 5
(Pursuit of vessels flying the flag of non-member States of the Sub-Regional Fisheries Commission)

When the pursued vessel flies the flag of a State that is not a member of the Sub-Regional Fisheries Commission and when, according to available information, it does not have a licence to fish in the waters of the neighbouring member State of the Sub-Regional Fisheries Commission, the collaboration between the authorities of the pursuing State and that of the State of refuge will aim at arresting the pursued vessel.

When the pursued vessel flies the flag of a non-member State of the Sub-Regional Fisheries Commission and when, according to available information, it carries out its activities within the framework of an agreement, collaboration between the activities of the pursuing State and those of the State of refuge shall aim at attaining the objectives set out in the protocols.
referred to in Articles 9 and 10.

Article 6
(Apportionment and financing of charges arising from the exercise of hot pursuit)

The implementing protocols may define the criteria and modalities for the apportionment of charges arising from the exercise of the right of hot pursuit within the framework of this Convention and for their total or partial financing, through the penalties imposed with regard to the pursuing vessels.

Article 7
(Revision)

Any Party may submit to the other Parties, through the depository and the President of the Sub-Regional Fisheries Commission, proposals for the amendment of this Convention.

The amendments shall be referred to the Conference of Ministers and shall be approved unanimously by the Parties to the Convention. The amendments shall come into force in accordance with the procedure set out in article 13 of this Convention.

Article 8
(Denunciation)

This Convention may be denounced by any Party by notification to the depository who shall immediately inform the other Parties thereof. The Convention ceases to be in force with regard to that Party, six months after the date of notification of the denunciation to the depository.
Article 9

(Modalities for the implementation of the Convention)

The present Convention shall be implemented by bilateral or multilateral protocols among the Parties. Implementing measures shall apply, in accordance with these specific protocols, to the vessels conducting fishing activities in the waters under the jurisdiction of the Parties.

Article 10

(Negotiation of the implementing protocols)

The Sub-Regional Fisheries Commission shall be informed, through its Permanent Secretariat, of negotiations initiated among the Parties for the implementation of this Convention and shall receive notification of the bilateral or multilateral protocols that might have been concluded.

Article 11

(Settlement of disputes)

Any dispute arising out of the interpretation or the application of this Convention, shall be referred to the Conference of Ministers of the Sub-Regional Fisheries Commission, unless the Parties concerned decide on another means of settlement.

Article 12

(Depository)

The Ministry of Foreign Affairs of the State hosting the headquarters of the Sub-Regional Fisheries Commission is the depository of this Convention. The depository:
(a) shall send certified true copies of this Convention to the States referred to in the Preamble;

(b) shall transmit any proposal for the amendment of this convention to the President of the Sub-Regional Fisheries Commission, in accordance with article 7;

(c) shall inform the States referred to in the Preamble:

1. of the signature of this Convention and the deposit of the instruments of ratification in accordance with the provisions of article 13;

2. of the date on which this Convention will come into force in accordance with article 13;

3. of any proposed amendment to this Convention as well as of the adoption of any amendment by virtue of article 7.

**Article 13**

*(Signature, ratification, entry into force)*

This Convention is open for signature by the States referred to in the Preamble of this Convention, with the Government of the State depository until 31 December 1993. The States that have signed the Convention may become Parties thereto by depositing an instrument of ratification, in accordance with their respective procedures.

This Convention shall come into force, with regard to the States that have ratified it, from the day on which the instruments of ratification of at least four States parties to the Convention have been deposited.
This Convention was done in four versions of Arabic, English, French and Portuguese, all versions being equally authentique.

Done in Conakry, Republic of Guinea, on 1 September 1993

For the Government of the Republic of Cape Verde

Maria Helena Semedo

For the Government of the Republic of The Gambia

Sajo Touray

For the Government of the Republic of Guinea

Ibrahima Sory Sow

For the Government of the Republic of Guinea-Bissau

Eduardo Fernandes

For the Government of the Islamic Republic of Mauritania

Abdallahi Ould Abdi

For the Government of the Republic of Senegal

Abdourahmane Sow
COMMISSION SOUS-REGIONALE DES PECHE

DATE : ... / ... / ...

Pays : ...........

Country :

PROCES VERBAL DE CONSTAT DE DELIT DE PECHE
MINUTES OF FISHING OFFENSE

I - RENSEIGNEMENTS SUR LE NAVIRE
INFORMATIONS ON THE VESSEL

- Nom du navire :
  Name of the vessel

- Nationalité :
  Nationality

- Armateur / Vessel owner :

- Indicatif d'appel international :
  International call sign

  Longueur : ............
  Length

  Largeur : ............
  Width

  Jauge brute : ............
  Gross tonnage

- Port d'attache / Home port :

II - RENSEIGNEMENTS SUR L'ARRAISONNEMENT :
INFORMATIONS ON THE ARREST

Date : ... / ... / ...

Heure............

Lat ............ N.

Long ............ E.

Hour

- Nature de l'infraction ............

  Nature of offense

  ...

- Position de détection : H ............
  Detection position

  Lat ............ N.

  Long ............ E.

- Décision prise ............
  Decision taken

  ...

III - OBSERVATIONS :
REMARKS

Signature

Le Capitaine du navire arraisonné

The Captain of the arrested vessel

Le Cdt du patrouilleur ou l'Agent de contrôle

The commander of the patrol boat or the Controller