AGREEMENT
ESTABLISHING A SUB REGIONAL FISHERIES COMMISSION

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,
represented by their Ministers of Fisheries,

AWARE of the common problems faced by countries in the sub-region in their struggle for development and recognizant of the potential in the rational exploitation of fisheries resources to develop their economies and meet the nutritional needs of their populations;

HIGHLIGHTING the need for riparian countries to cooperate and work towards harmonizing their policies for the preservation, conservation and management of fisheries resources in the sub-region and the need to cooperate towards the development of their national fishing industries;

RECALLING work already done by the previous meetings in the framework of cooperation in fisheries and the transitory nature of the "Joint Statement" signed on 12 June 1980 in Nouakchott;

Have agreed as follows:
PART I - GENERAL PROVISIONS

ESTABLISHMENT, OBJECTIVES, HEADQUARTERS

ARTICLE 1:
It shall be established a Sub-Regional Fisheries Commission (SRFC) comprising Cape Verde, the Gambia, Guinea, Guinea-Bissau, Mauritania and Senegal. The Commission shall have legal personality and the capacity to sue.

ARTICLE 2:
The Commission shall aim to harmonize in the long-term, policies of member countries in terms of preservation, conservation and management of fisheries resources and strengthen their cooperation for the well-being of their populations.

ARTICLE 3:
The headquarters of the Commission shall be in Dakar, Senegal. For this purpose, a Headquarters Agreement shall be prepared and submitted for approval to the Government of the Republic of Senegal. However, the headquarters may be transferred to one of the capitals of the member countries on the decision of the Conference of Ministers.

PART II - ORGANS AND OPERATION

ARTICLE 4:
The organs of the Commission shall be:
- the Conference of Ministers,
- the Coordinating Committee,
- the Permanent Secretariat.

ARTICLE 5:
The Conference of Ministers of Fisheries of the Member States shall be the supreme organ of the Commission.
Its mandate shall be to define the objectives of sub-regional cooperation and to decide on any matter relating to the preservation, conservation and management of fishery resources in the sub-region. However, any action in this regard shall not be taken to the detriment of national fisheries policies of Member States.
ARTICLE 6:
The Chairmanship of the Conference of Ministers shall be assured on a rotational basis for a period of one year by each of the Ministers of Fisheries of member States.
Between two sessions, the Chairperson of the Conference of Ministers shall represent it and shall enforce its directives.

ARTICLE 7:
Extraordinary sessions may be convened on the Chairperson's initiative or at the request of the majority of member States.

ARTICLE 8:
Decisions taken at the Conference of Ministers shall be unanimously agreed upon by representatives of Member Countries which shall undertake to ensure their application.

ARTICLE 9:
The Coordinating Committee shall act as the intermediary between the Conference of Ministers and the Permanent Secretariat.
It shall be composed of Directors of Fisheries or any other expert appointed by the Member States.
Its mandate shall be to:
- provide guidelines for the work of the Permanent Secretary especially regarding the organization of meetings and enforcement of decisions taken at the Conference of Ministers;
- formulate recommendations to the Conference of Ministers on issues to be addressed.

ARTICLE 10:
The Director of Fisheries or any other expert appointed by the country holding the Chairmanship of the Conference of Ministers shall hold the Chairmanship of the Coordinating Committee.
He shall convene and preside over meetings of the Committee and shall report to the Conference of Ministers on its activities and recommendations.

ARTICLE 11:
The Coordinating Committee shall meet at least once a year in ordinary sessions and in extraordinary sessions whenever necessary.

ARTICLE 12:
The permanent organ, that is the implementing body of the Commission, shall be the Permanent Secretariat, headed by a Permanent Secretary.
On the proposal of member States, the Conference of Ministers shall decide on the appointment of the Permanent Secretary for a renewable period of two (2) years.
The wages of the Permanent Secretary and operational costs of the Secretariat shall be provided by the country of origin of the latter.

ARTICLE 13:
The Permanent Secretary, under the authority of the Coordinating Committee, shall be responsible for:
- Implementing the decisions of the Conference of Ministers;
- Organizing meetings to be scheduled jointly with national partners appointed by each member States;
- Preparing documents on the development measures to be taken in the overall interest of the sub-region;
- Developing joint research programs to be submitted for study and funding to International Organizations or NGOs through the Chairperson of the Conference of Ministers.

ARTICLE 14:
The Permanent Secretary, with the approval of the Chairperson of the Conference of Ministers, shall jointly organize technical meetings with the correspondent in the host country as and when necessary. These meetings may be held in any member State to review technical, legal, economic or other specific topics related to the cooperation program adopted by the Conference of Ministers. The meetings shall be open to experts from Member States and other personalities invited by the Secretariat.

ARTICLE 15:
The Permanent Secretary shall be answerable to the Coordinating Committee to which he shall report on the activities of the Secretariat. Between two sessions, he shall be under the authority of the Chairperson of the Coordinating Committee.

ARTICLE 16:
Costs incurred by participants as a result of their attendance at meetings of the Conference of Ministers, the Coordinating Committee and technical meetings shall be borne by their respective governments or organizations.

The host country shall pay for the costs incurred to organize on its territory, meetings of the Conference of Ministers, the Coordinating Committee or technical meetings.
ARTICLE 17:
Any other country in the Sub-region may become a member of the Commission. A request to that effect shall be addressed to the Chairperson of the Conference of Ministers who shall notify Member Countries accordingly. However, admission shall only be granted after approval by the Conference of Ministers and submission of the instruments of accession by the requesting country to the host country.

ARTICLE 18:
To achieve its objectives the Commission may cooperate, wherever appropriate, with national and international organizations with similar goals, to ensure effective collaboration and coordination of activities programmed.

ARTICLE 19:
The Commission may also invite any relevant international organizations to send experts or observers to meetings convened by its various organs.

ARTICLE 20:
The present Agreement may be reviewed at the request of a Member Country. The request for review shall be addressed in writing to the Chairperson of the Conference of Ministers.

ARTICLE 21:
Any Member State which wishes to withdraw from the Commission shall notify the Chairman of the Conference of Ministers in writing, who shall immediately inform the other Member States accordingly.

The present Agreement shall cease to apply to the said State within six months from the date of notification, without prejudice to obligations arising from prior commitments.

The withdrawal of a Member State shall not lead to the dissolution of the Commission.

ARTICLE 22:
The Commission may be dissolved upon request of the majority of its member countries. The Conference of Ministers shall announce the dissolution and shall adopt modalities for the devolution of the property of the Commission.

ARTICLE 23:
Disputes between Member States arising from the implementation of the present Agreement shall be resolved amicably, through conciliation, mediation or arbitration.
ARTICLE 24:
For any dispute with third parties, except for the States, the courts of the country hosting the headquarters or any other international court selected shall have jurisdiction over the case.

The organs of the Commission shall express their views in writing with respect to the dispute and only the Conference of Ministers shall decide on the most appropriate way for seizure of the competent judicial authorities.

PART V - FINAL PROVISIONS

ARTICLE 25:
The present Agreement shall be subject to ratification by the signatory States in accordance with their respective constitutional procedures. The instruments of ratification shall be deposited with the State hosting the headquarters which shall inform the other Member States accordingly.

ARTICLE 26:
The present Agreement shall enter into force after the depositing of the instruments of ratification by the signatory States.

Done in Dakar, Republic of Senegal, in English, French and Portuguese, all three texts being equally authentic.

29th March 1985

For the Government of the
Republic of Cape Verde
The Secretary of State for Fisheries

For the Government of the
Republic of The Gambia
The High Commissioner

Miguel Antonio Lima

Babacar Diop

For the Government of
the Republic of Guinea Bissau

For the Government of the
Islamic Republic of Mauritania

Luis Oliveira Sanca

Isselmou Ould Babah

For the Government of the Republic of Senegal,
The Secretary of State for Marine Fisheries

Bocar Diallo