



FCWC

Fisheries Committee for
the West Central Gulf of Guinea



CONVENTION ON THE POOLING AND SHARING OF INFORMATION AND DATA OF THE AREA OF THE FCWC

Abidjan, Côte d'Ivoire

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CONVENTION ON THE POOLING AND SHARING OF INFORMATION AND DATA OF THE AREA OF THE FISHERIES COMMITTEE FOR THE WEST CENTRAL GULF OF GUINEA (FCWC)

1. EXPLANATORY MEMORANDUM FOR THE CONVENTION

The West Central Gulf of Guinea area (hereinafter referred to as "the geographical space between Liberia and Nigeria included") covering the following States: governments of the Republic of Benin, Côte d'Ivoire, Ghana, Liberia, Togo and the Federal Republic of Nigeria, has substantial fisheries resources. For the FCWC Member States, these shared resources are an important source of animal protein, livelihoods for fishing communities. It also contributes to poverty reduction.

The priorities of FCWC are centred around better knowledge of the fisheries resources and exchange of information on successful management experiences. Thus, the following actions have been undertaken such as studies on the dynamics of fishermen migration in the FCWC zone, socio-economic surveys in artisanal fishery sector, capacity building on strengthening and harmonization of the artisanal fisheries data collection, creation of a website with interactive tools and studies on establishing national and sub-regional register of the industrial fishing vessels in each of the FCWC Member States.

With the view of consolidating the initiatives on the above and implementing a sustainable achievement of its objectives, the FCWC adopted a Strategic Action Plan which is a useful instrument for orientation and planning of activities.

The Strategic Plan is intended to propose to the FCWC partners a framework of consistent joint projects being promoted through nine (9) project profiles. These projects include a component on "strengthening information-sharing and exchange of data on fisheries" in the FCWC zone.

This action is consistent with the FCWC strategic objectives such as, promoting effective sub-regional cooperation for the fisheries management and development as well as implementing a common policy towards fishing vessels of non-contracting parties.

In their efforts to jointly develop their fishing resources, the FCWC Member States should coordinate and harmonize their fisheries management policies relating to shared stocks and stocks of common interest in their respective Exclusive Economic Zones (EEZ).

The FCWC could affirm this common policy through the development and the establishment of protocols for information and data exchange relating to their individual fisheries. This Protocol is intended to facilitate the development of a sub-regional database which will be maintained and made accessible to the FCWC Member States. This is in line with the cooperation between Member States relating to sustainable fisheries development and harmonisation of strategic plans aimed at strengthening the protection of the interest of the Member States in the international forums and toward the non-contracting parties.

The mechanism to be put in place should integrate all aspects of fishery and promotion of fish products through marketing strategies.

The establishment of a joint database and information system in the long-term should enable Member States have:

- a) A responsible and sustainable exploitation of stocks, through the establishment of national and sub-regional fisheries management plans based on scientific data and information;
- b) A regulation of fishing capacity by better monitoring of industrial and artisanal vessels operating in the FCWC area
- c) A capacity-building program for the FCWC Member States in negotiating fishing agreements and partnerships with foreign vessels of States fishing in distant waters;
- d) An efficient national and sub-regional fisheries monitoring, control and surveillance system (MCS); and
- e) A socio-economic monitoring system of fishing activities.

Firstly, it is necessary to define a sound scientific approach which consists in putting in place a process of formulation of clear, accurate opinion and decision, not only on

the decisions of management, approach purely biological or environmental, but also taking into account social and human parameters.

Secondly, it is necessary to apply the ecosystem approach to fisheries management in order to define a healthy and sustainable ecological work setting.

Thirdly, it will be appropriate to adopt harmonised policies in planning, conservation, management and exploitation of fishing resources and define national and sub-regional management plans for shared and straddling stocks.

It will be appropriate to create synergies relating to material, human and financial resources in fishery research between Member States and promote the exchange of scientific information on the exploited stocks.

The above challenges will be addressed by strengthening the institutional capacities through, training of researchers and scientists; exchange of competence in the field of research; and carrying out concerted actions relating to stock assessment and issues of fisheries resource management.

2. CONVENTION ON THE POOLING AND SHARING OF INFORMATION AND DATA OF THE AREA OF THE FISHERIES COMMITTEE FOR THE WEST CENTRAL GULF OF GUINEA (FCWC)

Preamble

The Governments of the Republic of Benin, Côte d'Ivoire, Ghana, Liberia, Togo and the Federal Republic of Nigeria;

Having a common interest in the proper management, long-term preservation and sustainable use of fishery resources of the West Central Gulf of Guinea and determined to facilitate the achievement of their objectives through sub-regional cooperation;

Willing to ensure the harmonization of their fishery policies and legislation for the purposes of exploration, exploitation, conservation and the management of fishery resources as well as the conservation of the living marine resources on which fishery has an impact, and in waters under their jurisdiction;

Recalling the relevant provisions of the United Nations Convention on the Law of the Sea (UNCLOS) of December 10th 1982, the FAO Code of Conduct for Responsible Fisheries (CCRF) of October 31st 1995, UN Fish Stocks Agreement (1995), FAO Compliance Agreement (1993), International Plan of Action to Prevent, Deter and Eliminate Illegal Unreported and Unregulated Fishing (IPOA-IUU) (2001), FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (2009), and the other international instruments, encouraging the conclusion of regional and sub-regional agreements for the conservation and management of fishery resources;

Bearing in mind the Treaty establishing the Economic Community of West African States (ECOWAS) and its agricultural policy (2005), including its development programs in the fisheries and aquaculture sector and capacity building of fisheries professionals;

Taking into consideration the 2010-2020 FCWC Strategic Action Plan, adopted in 2010 by FCWC Fisheries Ministers Conference and the Programme of implementation of the 2011-2020 Strategic Plan developed in September 2011;

Willing to promote the artisanal fisheries, given its importance in terms of creation of direct or indirect jobs, contribution to food security and poverty reduction;

Aware of the need for the agreements and other arrangements, to take into consideration the concerns and expectations of the coastal communities earning most of their livelihoods from artisanal fisheries;

Conscious of the fact that the consolidation of industrial and artisanal fishing activities will bring the fisheries sector in the sub-region to a better integration in international trade flows; and

Convinced that the signing of an agreement concerning the conditions of access and exploitation of fishery resources in the waters under their jurisdiction will best serve these objectives.

Agree on the following:

Article 1: Object

The present convention has as an aim the data collection, the pooling, the sharing and the division of information and data on fisheries of the Member States of the Fisheries Committee for the West Central Gulf of Guinea (FCWC) zone.

Article 2: Definitions

For the purposes of this Convention, the following terms mean:

1. **"Member State"**: a State of Fisheries Committee for the West Central Gulf of Guinea (FCWC).
2. **"Zone"**: the area covered by the Exclusive Economic Zones of the FCWC Member States.
3. **"illegal, unreported and unregulated fishing"** or "IUU fishing", fishing activities considered as illegal, not reported or not regulated;

3.1 "illegal fishing", fishing activities:

a) Conducted by national or foreign fishing vessels in maritime waters under jurisdiction of a State, without the latter's authorization or in violation of its laws and regulations;

b) conducted by fishing vessels flying the flag of States that are contracting parties to a competent fisheries management regional organization, but which operates in contravention of conservation and management measures adopted by that organization and having a binding nature for States or in violation of the relevant provisions of applicable international law; or

c) Conducted by fishing vessels in violation of national laws or international obligations, including those contracted from competent fisheries management regional organization by cooperating States;

3.2"unreported fishing", fishing activities:

a) which have not been declared or wrongly declared, to the competent national authority, in violation of the laws and national regulations; or

b) that were conducted in the area of competence of a Regional Fisheries Management Organization (RFMO), and that have not been declared or wrongly declared, in violation of the procedures of this organization.

3.3"unregulated fishing", fishing activities:

a) conducted in the area of competence of a fisheries management regional organization by vessels without nationality, by fishing vessels flying the flag of a State not party to that organization, or by any fishing entity, in a manner contrary to the conservation and management measures of this organization; or

b) conducted in areas or stocks for which there are no conservation and management measures, by fishing vessels in a manner not consistent with State responsibilities in terms of the conservation of living marine resources under international law;

4. **"Transshipment"**: unloading of all or part of the stocks held on board of a fishing vessel or another fishing vessel at sea or in a port;

5. **"Conservation and management measures"**: measures to conserve and manage marine living resources adopted and applied in a manner consistent with the relevant rules of international law, including those reflected in the Convention.

6. **" Fishing vessel "** means any vessel used for fishing or for use in its purposes, including support ships , carrier vessels and any other vessel directly involved in fishing activities

7. **"Carrier or collection vessel"**: vessel, usually devoid of all means of fishing, for the collection of fishery products caught by other ships or fishing boats.

8. **"Support vessel"**: vessel carrying fuel, food and other logistics for fishing vessels. It is sometimes linked to a fishing vessel.

9. **" Research Vessel"** means any vessel engaged in fishing, studying marine resources and their environment, ships, machinery and other equipment and fishing techniques for scientific research.

10. **" Factory vessel"** indicate any vessel provided with the ways of transformation, with conditioning and with preservation of products sinned all on his own or by a flotilla of ships

11. **"Fishing"** research, attracting, locating, catching, taking or harvesting fish or any activity which can reasonably be expected to result in the attracting, locating, catching, taking or harvesting fish.

12. **"Shared stocks"** fishery resources in area under the jurisdiction of two or more coastal States or both within the maritime area under the jurisdiction and in an adjacent area, finally the fishery resources which are found exclusively in the high seas.

13. **"Confidential Information"** means any information designated as confidential or ought to be considered as confidential;

14. **"Precautionary approach"** Measures and actions to take avoiding the possibility of significant environmental damage, even before there is conclusive evidence that damage will occur.

15. **"Participatory approach"** to fisheries is a process that involves the participation of all stakeholders, including the artisanal fishermen in fishing activities.

16. **"Eco systemic approach of fisheries"** is the way of applying the sustainable development to fisheries. It takes support on the current practices of management of fisheries and recognizes more explicitly the interdependence between the human well-being and the ecological well-being. It emphasizes the necessity of maintaining in good condition or of improving eco systems and their productivity so that the production of fisheries are maintained or increased for the current and future generations.

Article 3

Scope of application

Except contrary provision, the provisions of this Convention are applied to each Member State of the FCWC even if;

a) Those States exert respectively sovereign rights on the fishing resources present in their exclusive economic zone (EEZ) and in the zone located within the limits of

their national jurisdiction for exploration, exploitation, conservation and management purposes.

b) Those States respectively exert sovereign rights on the activities of fishing season, valorisation and marketing of the fishing resources which are practised in the Zone and/or the national territories

Article 4

Concepts, Principles and Practices

FCWC Member States, under this agreement, undertake to implement as a priority the following concepts, principles, and practices for the fisheries sector:

- a) Approach of precaution to allow a rational use of the fishing resources with a sustainable management use
- b) The ecosystem approach to reduce the negative interactions between the ecosystem and the fisheries operations.
- c) A set of biological, economic, environmental and social benchmarks to guide the management and conservation of fisheries during the implementation of fisheries management plans.
- d) The participatory approach to involve stakeholders in the fisheries sector in the process of collection, processing and dissemination of data needed for the fisheries planning and management, while recognizing the economic and social interest of stakeholders and taking into account these interests and values and confidential information related to private, commercial and competition rights of companies.
- e) The cross-sector approach for the purpose of enriching the bases of knowledge and data useful to the governance of fisheries with the view to formulate policy for sustainable development.

Article 5

Creation of a sub-regional fisheries information system

1. The key functions of the fisheries planning and development of fisheries is the data and information management of fisheries resources, including the collection,

processing, storage, restoration and use, taking into account of their socio-economic and environmental aspects.

2. All Member States undertake to establish a regional fisheries information system supplied by the national and regional data to contribute to the sustainable development of fisheries in the CPCO.

3. The sub-regional fisheries information system is based on the definition of mechanisms which will facilitate data collection from professionals. Member States shall acquire devices for observation and adopt methods including of the use of data from research, MCS and other related fishery activities.

4. The objective is to understand the type of fishing, monitor its dynamics and trends which will be used during evaluation of the health of stocks and also changes that occur in the ecosystem as well as socio-economic systems of exploitation, development and fish trade.

5. A socio-economic component should allow to enable monitoring within the sub-regional fisheries information system, the performance (catch, value and trade), of fleets and fishing companies, as well as the contributions of each resource and the macro or micro economic aspects, according to the analysis of economic outputs of stocks and sub-sectors (industrial and craftsmen catches valuation, marketing).

Article 6

FCWC Obligations

The general secretary of FCWC constitutes all data collection and sharing center relative to fishing resources information in the Zone. And as so,

1. The FCWC through its secretariat is committed for creating a regional halieutic information system with an aim of making it possible to its Member States to be able to share their various relative non-restrictive information on fishing resources;

2. The FCWC through its secretariat is committed moreover ensuring coordination, the synthetisation and the diffusion of the information collected on the level of each State member;

3. The accompaniment provides by the FCWC through its secretariat within the framework of the collection and of the sharing of information relating to the fishing resources will be materialize through sessions either of reinforcement of capacities, or of search for partnership with the private sector to promote co-operative research programs (fishing, public scientific organizations, ONG, Universities);

Article 7

Member States Obligations

All the Member States are committed collaborating in the creative process of the regional halieutic information system.

1. Each State member begins to take all the necessary measures to ensure the collection, filing, the management and the restitution of the data on the fishing resources, on the environmental aspects, economic and social of the peaches. This information is necessary for the plans of installation and development of the fisheries.

2. Each Member State is also committed to collect and be exchanging with the other Member States, through the CPCO, the complete and precise data on the activities of peaches carried out by the third ships beating its house or ships which operate in the Zone, in particular with regard to the captures carried out in the Zone, those preserved, the rejections and the fishing effort, while maintaining the data confidentiality.

Article 8

Structure and function of the sub-regional fisheries information system

1. Structure and function of the sub-regional fisheries information system are defined by the

following components:

- a) fishery statistics (frame surveys, catch, fishing effort);
- b) socio-economic data;
- c) environmental data;
- d) biological sampling;
- e) Scientific campaigns (Cruises);
- f) data monitoring, control and surveillance of fisheries

- g) data collection and monitoring on fishery products and trade;
 - h) development of scientific methodologies (database) for data collection, analysis and dissemination.
2. The setting up of a harmonized fisheries information system shall be a pre-requisite to recommendations which will be used by stakeholders during the implementation of sub-regional fisheries management plans and data exchange.

Article 9

Fishing vessel registers

1. Each Member State shall keep a national register of vessels authorised to carry out fishing activities in the waters under its jurisdiction and to ensure that all information about these vessels are documented in the aforesaid register. These data will be part of the sub-regional fisheries information system.
2. On the basis of the information provided by the Member States, the FCWC shall keep a sub-regional register of vessels engaged in fishing in the zone, including carrier and support service vessels. Vessels not listed in the sub-regional register are not allowed to fish in the FCWC zone, carry out transshipment or receive support, except in verifiable emergency situations.

Article 10

Declaration of catch

Any vessel authorised to operate in the Exclusive Economic Zone (EEZ) of a Member State is required to provide all the data and statistical information indicating catches made in accordance with the regulations in force in that State. Member States shall encourage vessels to adopt systems using electronic logbooks. These data will be a part of the sub-regional fisheries information system in the same manner as data related to landings outside the FCWC zone and transshipments allowed under fishing agreements.

Article 11

Data item from special fishing permission or controls

1. As part of the signing of fishing agreements or other arrangements between a Member State and non-contracting parties, it can be expected the data on the boarding of crew, who are nationals of the Member State will be part of the data collected within the sub-regional fisheries system.
2. Data from observers on board vessels authorized to fish in the zone shall be part of the data transmitted to the sub-regional fisheries information system.
3. Data from the inspection and control of fishing activities shall be communicated to the operator/owner of the vessel for their response before communicating to the sub-regional fisheries information system as confidential information.
4. Data from the fighting against IUU fishing, including inspections at the port for the fishing vessels of the non-contracting parties making a transit at the ports of the Member State, shall be included in the data in the fisheries information system and kept as confidential information as a set of data from the staff responsible for the inspection of catches processed or not, nets or other gears, storage and conservation equipment.
5. Data files and records on offences and sanctions applied to vessels controlled in the FCWC waters shall constitute a particular area of the sub-regional fisheries information system and classified as confidential information.

Article 12

Settlement of disputes

1. Any disagreement between two or several Parts with present Convention relative to the interpretation or the application of the provisions of this Convention must be carried in front of the Conference of the Ministers in charge of fisheries of FCWC .
2. The disagreements are regulated by amicable agreement, by way of conciliation, mediation or arbitration.

Article 13

Amendments

Any Member State may move an amendment to this Convention by submitting to the depositary the proposed draft amendment at least sixty (60) days before a meeting of

the Conference of Ministers of the FCWC. The depositary shall quickly send a copy of this proposal to all Member States.

Article 14

Revision of the convention

The present convention can be revised by the Ministers Conference of the FCWC at the request of at least 03 (Three) Member States

Article 15

Denunciation of the Convention

The present convention can be denounced by any Member State by written notification sent to the Depositary. It stops being applied to him six (6) months after the date of notification of this denunciation to the President of the Ministers Conference in charge of fisheries of the FCWC, which informs the member states of the decision taken by the concerned State.

Article 16

Additional protocols

Additional protocols if need be, shall be specified for conservation and management measures.

Article 17

Preamble and Annexes

The preamble and annexes to this Convention are an integral part of it.

Article 18

Signatories to the Convention

This Convention is open for signature to the Member States of the FCWC.

Article 19

Effective date

This Convention enters into force the ninetieth (90) day following the date of signature.

Article 20

Depository

The Secretary General of the FCWC is the depository of this Convention and any related amendment(s). The depository shall circulate certified copies of this Convention to all the signatories and shall register this Convention with the FCWC Secretariat.

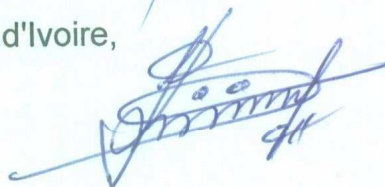
Done in Abidjan, in English and French versions, the two texts being equally authentic

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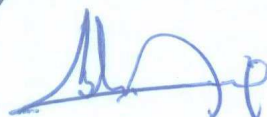
The Government of the Republic of Benin,
(Dr Ibrahim IMOROU TOKO)



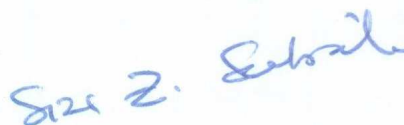
The Government of the Republic of Côte d'Ivoire,
(Mr Kobenan Kouassi ADJOUMANI)



The Government of the Republic of Ghana,
(H.E. Lt General P. A Blay)



The Government of the Republic of Liberia,
(Dr. Sizi SUBAH)



The Government of the Federal Republic of Nigeria
(Full name, title)

The Government of the Togolese Republic,
(LAMBONI Mindi)

