



FCWC

Fisheries Committee for
the West Central Gulf of Guinea



FCWC HEADQUARTERS AGREEMENT

Accra, Ghana
2015

HEADQUARTERS AGREEMENT FISHERY COMMITTEE FOR THE WEST CENTRAL GULF OF GUINEA

The Fishery Committee for the West Central Gulf of Guinea and the Government of Ghana,

Having regard to Article 4(4) of the Convention for the Establishment of the Fishery Committee for the West Central Gulf of Guinea which provides that the Headquarters of the Committee shall be established at Tema, Ghana;

Desiring to define the legal capacity, privileges and immunities of the Committee and the privileges and immunities to be enjoyed by the staff of the Committee in Ghana;

Wishing to provide for the privileges and immunities of certain other persons in the interests of facilitating the performance by the Committee of its functions under the Convention for the Establishment of the Fishery Committee for the West Central Gulf of Guinea;

Have agreed as follows:

Article 1 Definitions

"archives" includes all records, correspondence, documents, manuscripts, photographs, computer data storage, films and recordings belonging to or held by the Committee;

"Committee" means the Fishery Committee for the West Central Gulf of Guinea as established under Article 4(1) of the Convention;

"Convention" means the Convention for the Establishment of the Fishery Committee for the West Central Gulf of Guinea;

"expert" means a person performing short term or temporary projects or missions on behalf of the Committee, but does not include staff members;

"Government" means the Government of Ghana;

"Headquarters" means the premises of the Committee including the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, occupied by the Committee for the performance of its official activities;

"official activities" means all activities, including administrative and other activities, undertaken by the Committee pursuant to the Convention in the furtherance of its objectives;

"representatives" means duly authorized agents of States party to the Convention, in attendance of Conferences or meetings convened by the Committee and includes delegates, alternates, advisers, technical experts and secretaries of delegations;

"staff member" means all persons appointed or recruited for full-time employment with the Committee including the Secretary-General, but does not include experts or persons recruited locally and assigned on hourly or daily rates of pay;

Article 2 Legal Personality

The Committee has legal personality. It has, in particular, the capacity to contract, acquire and dispose of movable and immovable property, and to institute and be a party to legal proceedings.

Article 3 Premises

1. The Government shall provide to arrange for the provision, at a nominal rent to be agreed upon by the Committee or free of charge of suitable permanent premises, which premises shall serve as the Headquarters of the Committee.
2. The Headquarters of the Committee shall be inviolable and shall be under the full authority of the Committee.
3. The Government shall take all appropriate steps to protect the Headquarters of the Committee against any intrusion or damage and to prevent any impairment of its dignity.
4. The residence of the Secretary-General of the Committee shall enjoy the same inviolability and protection as the Headquarters.
5. The Government shall arrange for the Headquarters to be supplied by the appropriate authorities with basic services on terms no less favorable than those enjoyed by the Government.
6. The Committee shall make known to the Government the need for any changes to the location or extent of its permanent premises or archives and of any temporary occupation of premises for the performance of its official activities. Where any premises other than those arranged under Article 3(1) of this Agreement are used or occupied by the Committee for the performance of its official activities, such premises shall, with the concurrence of the Government, be accorded the status of premises of the Committee.
7. Without prejudice to the terms of this Agreement, the Committee shall not permit the Headquarters of the Committee to become a refuge from justice for persons avoiding arrest or service of legal process or against whom an order of extradition or deportation has been issued.
8. The appropriate authorities of the Republic of Ghana may enter the Headquarters to carry out their official duties only with the consent of the Secretary-General and under the conditions agreed by him or her. The Secretary-General's consent shall be deemed to have been given in the case of fire or other emergencies which may require immediate protective action.

Article 4 Immunities of the Committee

1. Within the scope of its official activities the Committee and its property, premises and assets shall have immunity from suit and other legal process except:

- (a) to the extent that the Committee expressly waives such immunity from such suit and other legal process in a particular case;
- (b) in respect of any contract for the supply of goods or services and any loan or other transaction for the provision of finance and any guarantee or indemnity in respect of any such transaction or of any other financial obligation;
- (c) in respect of a civil action by a third party for death, damage or personal injury arising from an accident caused by a motor vehicle belonging to, or operated on behalf of, the Committee;
- (d) in respect of a motor vehicle offence, involving a motor vehicle belonging to or operated on behalf of the Committee;
- (e) in respect of a counter-claim directly connected with proceedings initiated by the Committee; and
- (f) in respect of the enforcement of an arbitration award made under article 22 of this Agreement.

2. The Committee's property, premises and assets, wherever situated, shall have immunity from:

- (a) any form of restrictions or controls such as seizure, requisition, confiscation, expropriation or attachment; and
- (b) any form of administrative or judicial constraint.

These immunities shall cease to apply in relation to property, premises and assets which have been abandoned by the Committee for a period in excess of twelve months, except where such abandonment was caused by *force majeure*.

3. The provisions of paragraph 2 of this Article shall not apply –

- (a) if such measures are temporarily necessary in order to prevent accidents involving motor vehicles belonging to or operated on behalf of the Committee, and in order to conduct investigation in connection with such accidents;
- (b) in the event of the attachment, pursuant to the final order of a court of law, of the salaries, wages or other emoluments owed by the Committee to a staff member of the Committee or to an expert.

Article 5 Archives

The archives of the Committee shall be inviolable wherever they are located.

Article 6 Flag and emblem

The Committee shall be entitled to display its flag and emblem on the premises and means of transport of the Committee.

Article 7 **Exemption from taxes**

1. Within the scope of its official activities, the Committee, its property, premises, assets and income, including contributions made to the Committee under the Convention, shall be exempt from all taxes and levies.
2. Goods imported by the Committee, including publications, motor vehicles and items for official activities shall be exempt from all customs and excise duties.

Article 8 **Exemption from customs control and restriction**

1. Goods acquired, imported or exported for official activities of the Committee shall be exempt from prohibitions and restrictions applicable to such goods on ground of national origin.
2. Goods referred to in paragraph 1 of this Article which have been acquired or imported shall not be capable of further alienation or resale in Ghana except under conditions agreed in advance with the Government.

Article 9 **Exemption of currency and exchange control**

1. The Committee shall be exempt from currency and exchange restrictions, including those in respect of funds, currency and securities received, acquired, held or disposed of.
2. The Committee may also operate bank or other accounts for its official use in any currency, and have them transferred freely within Ghana or to any other country.

Article 10 **Communications**

1. The Committee shall enjoy treatment not less favorable than that generally accorded to any other inter-governmental organization on official communications and transfer of documents, in terms of priorities, rates and taxes on mail, telephone and any other form of telecommunications.
2. The Committee may employ all appropriate means of communication, including messages in code or cypher.
3. Official correspondence and communications of the Committee shall be free from censorship and other restrictions.

Article 11 **Publications**

The importation and exportation of the Committee's publications and other information material imported or exported by the Committee within the scope of its official activities shall not be restricted in any way.

Article 12

Representatives in attendance of conferences or meetings convened by the Committee

1. Representatives shall enjoy, while exercising their functions in Ghana and while traveling in the exercise of their functions in Ghana, the following privileges and immunities:

- (a) immunity from personal arrest or detention and from confiscation of personal luggage except when found committing, or attempting to commit, an offence;
- (b) immunity, which shall extend beyond the termination of their mission, from suit and other legal process in respect of acts and things done by them in the exercise of their official functions, including words written or spoken; this immunity shall not, however, apply in the case of civil or administrative proceedings arising out of death, damage or personal injury caused by a motor vehicle belonging to or driven by them;
- (c) inviolability for all official papers and documents;
- (d) exemption, including for their spouse, from immigration restrictions, alien registration or residence;
- (e) the same exemptions from currency and exchange restrictions as are accorded to a representative of a foreign government on a temporary official mission in Ghana;
- (f) the same immunities and exemptions in respect of their personal baggage as are accorded to diplomatic envoys;
- (g) the right to use codes and to send and receive correspondence and other papers and documents by couriers or in sealed bags; and
- (h) similar repatriation facilities, including in respect of a spouse and dependent relatives, in time of international crisis as are accorded to diplomatic envoys.

2. In order to assist the Government to implement the provisions of this article, the Committee shall, so far as possible, inform the Government of the names of representatives prior to their arrival in Ghana.

3. Privileges and immunities are accorded to the representatives of Contracting Parties and not for the personal benefit of individuals themselves, in order to safeguard the independent exercise of functions of the Committee. Consequently, a Contracting Party not only has the right but is under a duty to waive the immunity of its representative in any case where in the opinion of the Contracting Party the immunity would impede the course of justice, and it can be waived without prejudice to the purpose for which the immunity is accorded. If the Contracting Party sending the representative does not waive the immunity of the representative, it shall make the strongest efforts to achieve an equitable solution of the matter in consultation with the Committee.

4. The Government shall treat representatives with all due respect and shall take all necessary measures to prevent encroachment on their person, freedom and dignity. Where it appears that an offence may have been committed against a representative, steps shall be taken in accordance with Ghanaian legal processes to investigate the matter and to ensure that appropriate action is taken with respect to the prosecution of the alleged offender.

Article 13 Secretary-General

In addition to the privileges, immunities, exemptions and facilities provided for in Article 12 of this Agreement, the Secretary-General shall be accorded in respect of himself or herself, his or her spouse and minor children, the privileges, immunities, exemptions and facilities accorded to diplomatic envoys in Ghana.

Article 14 Staff members

Staff members of the Committee:

- (a) shall have, even after the termination of their service with the Committee, immunity from suit and other legal process in respect of acts and things done by them in the exercise of their official functions, including words written or spoken; this immunity shall not, however, apply in the case of a motor vehicle offence committed by such a staff member nor in the case of civil or administrative proceedings arising out of death, damage or personal injury caused by a motor vehicle belonging to or driven by him or her;
- (b) as well as their spouse and dependent minor children shall be exempt from immigration restrictions, alien registration, and work and residence permit requirements;
- (c) shall be accorded the same exemption from currency or exchange restrictions as are accorded to officials of comparable ranks forming part of a diplomatic mission in Ghana;
- (d) shall have the right to import free of duty their personal and household effects, including one motor vehicle, provided that such goods be imported within six months of the staff member's first entry into Ghana;
- (e) shall be exempt from all taxes on income received from the Committee; and
- (f) shall have similar repatriation facilities, including in respect of a spouse and dependent relatives in time of international crisis as are accorded to diplomatic envoys.

Article 15 Experts

Experts shall enjoy the following privileges and immunities to the extent necessary for the carrying out of their functions:

- (a) immunity from personal arrest and detention and from confiscation of personal luggage except when found committing, or attempting to commit, an offence;

- (b) immunity from suit and other legal process in respect of acts and things done in the exercise of their official functions, including words written or spoken; this immunity shall not, however, apply in the case of a motor vehicle offence committed by such an expert, nor in the case of civil or administrative proceedings arising out of death, damage or personal injury caused by a motor vehicle belonging to or driven by him or her; such immunity shall continue after the expert's function in relation to the Committee have ceased;
- (c) inviolability for all official papers and documents; and
- (d) the same exemptions from currency or exchange restrictions as are accorded to representatives of foreign governments on temporary missions in Ghana.

Article 16

Visas

1. The Government shall, upon reasonable prior notification, facilitate entry into, sojourn on and departure from its territory of the representatives of Contracting Parties and their spouses, staff members of the Committee and their spouses and dependent relatives, and experts on missions for the Committee.
2. Visas, where required, shall be granted or extended without delay and free of charge, on production of a certificate that the applicant is a person described in the preceding paragraph.

Article 17

Privileges and immunities accorded to staff members and experts

1. Privileges and immunities are accorded to staff members and experts to ensure the independence of the persons to whom they are accorded in the exercise of their functions to achieve the purposes of the Convention.
2. The Secretary-General has the right and duty after consultation with the Contracting Parties to waive any immunities, other than his own, and those of his spouse and dependent minor children, when he or she considers that such immunities would impede the course of justice, on condition that they can be waived without prejudicing the purposes for which they were accorded. The immunities of the Secretary-General and those of his or her spouse and dependent minor children may be waived only by the Committee, in similar circumstances.

Article 18

Cooperation

1. The Committee shall cooperate fully at all times with the appropriate authorities of the Republic of Ghana in order to prevent any abuse of the privileges, immunities and facilities provided for in this Agreement.
2. The Government reserves its sovereign right to take reasonable measures to preserve security. Nothing in this Agreement prevents the application of laws necessary for health and quarantine or for keeping public order.

Article 19
Notification of appointment and identity card

1. The Committee shall inform the Government when a staff member takes up or relinquishes a post. Prior notice of arrival and final departure, where possible, shall be given. If staff members are accompanied by a spouse or dependent minor children, prior notice shall also be given, where possible, in respect of such persons.
2. The Committee shall once a year send to the Government a list of all staff members, their spouses and dependent minor children accompanying them in Ghana.
3. The Government shall issue to all staff members as soon as practicable after notification of their appointment, a card bearing the photograph of the holder and identifying him or her as a staff member. This identity card shall be accepted by the appropriate authorities as evidence of identity and appointment. The Committee shall return the identity card to the Government when the staff member relinquishes his or her duties. The spouse and dependent minor children of staff members shall also be issued with an identity card, which shall be returned to the Government when the staff member relinquishes his or her duties.

Article 20
Consultations

The Government and the Committee shall consult at the request of either of them concerning matters arising under this Agreement.

Article 21
Amendment

This Agreement may be amended by agreement between the Government and the Committee.

Article 22
Settlement of disputes

Any dispute between the Government and the Committee concerning the interpretation or application of this Agreement or any question affecting the relations between the Government and the Committee, which is not settled by consultation or negotiation or by some other mutually acceptable method, shall be referred to an arbitral tribunal constituted *mutatis mutandis* provided for in article 14(2) of the Convention.

Article 23
Nationals of Ghana

Ghana is not bound to grant to its own nationals the privileges, immunities and facilities provided for in Articles 12, 13, 14 and 15.

Article 24

Enforcement of the Laws of Ghana

The Secretary-General and other staff of the Committee will cooperate at all times with the competent Ghanaian authorities to facilitate the effective administration of justice, ensure compliance with the laws of Ghana, and prevent any abuse of the privileges, immunities and facilities provided for in the present Agreement.

Article 25

Entry into force and termination

1. This Agreement shall enter into force on signature by both parties.
2. This Agreement may be terminated by a joint decision of the Government and the Committee. In the event of the Headquarters of the Committee being moved from Ghana, this Agreement shall, after a period reasonably required for such transfer and the disposal of the property of the Committee in Ghana, cease to be in force. In either event, the date on which the Agreement terminates shall be confirmed by an exchange of notes between the Government and the Committee.

Done at Accra, Ghana, on 7TH DECEMBER 2015

English and French texts being equally authentic.

KOBENAN KOUASSI ADJOUMANI



**MINISTRY OF ANIMAL AND
HALIEUTIC RESOURCES
CHAIRPERSON OF FCWC**

COTE D'IVOIRE

HON. SHERRY AYITTEY

.....
**HONOURABLE MINISTER
MINISTRY OF FISHERIES AND
AQUACULTURE DEVELOPMENT
P. O. BOX GP 630, ACCRA – MAIN**

**MINISTRY OF FISHERIES AND
AQUACULTURE DEVELOPMENT**

GHANA



PARLIAMENTARY SERVICE

Parliament House - Accra (Ghana)



My Ref. No.

Your Ref.:

EP/12/0761

Telephone No. 654184 (4lines)
Fax No. 665957



In case of reply the number and date of this letter should be quoted

THE HON. MINISTER,
MINISTRY OF FISHERIES AND AQUACULTURE DEVELOPMENT
ACCRA.

Hon. Minister,

**CONVENTION FOR THE ESTABLISHMENT OF THE FISHERY COMMITTEE
FOR THE WEST CENTRAL GULF OF GUINEA (FCWC) AND THE
HEADQUARTERS AGREEMENT FOR GHANA TO HOST THE FISHERY
COMMITTEE**

Parliament at its Thirty-First Sitting of the Third Meeting held on Monday, 22nd December 2015, approved by Resolution the Convention for the Establishment of the Fishery Committee for the West Central Gulf of Guinea (FCWC) and the Headquarters Agreement for Ghana to Host the Fishery Committee.

I am directed to forward to you the text of the Resolution as follows:


WHEREAS

1. By the provisions of Article 75 of the Constitution any treaty, agreement, or convention executed by or under the Authority of the President in the name of Ghana is made subject to ratification either by an Act of Parliament or by a resolution of Parliament supported by the votes of more than one-half of all the Members of Parliament.
2. In accordance with the said Article 75 of the Constitution the President has caused to be laid before Parliament through the Minister responsible for Fisheries and Aquaculture Development the Convention for the Establishment of the Fishery Committee for the West Central Gulf of Guinea (FCWC) and the Headquarters Agreement for Ghana to Host the Fishery Committee on 24th November 2015.

NOW THEREFORE, this Honourable House hereby resolves to ratify the said Convention for the Establishment of the Fishery Committee for the West Central Gulf of Guinea (FCWC) and the Headquarters Agreement for Ghana to Host the Fishery Committee.

The Resolution is respectfully submitted for your appropriate action.

Yours sincerely,


EMMANUEL ANYIMADU
CLERK TO PARLIAMENT

Cc: Hon. Minister, Ministry of Justice.

Chief Director/01
Pls take Action
19/01/16