

# CONVENTION FOR THE ESTABLISHMENT OF THE FISHERY COMMITTEE FOR THE WEST CENTRAL GULF OF GUINEA

The Contracting Parties,

*Considering* the UN Law of the Sea Convention, signed on December 10, 1982, particularly its stipulations encouraging the conclusion of regional and sub-regional agreements for cooperation in the fishery sector,

*Considering also* the Abidjan Ministerial Declaration dated July 18, 2006, relating to the establishment of the sub-regional fisheries committee for West Central Gulf of Guinea,

*Mindful* of the common problems that face the countries of the sub-region in their struggle for development, and recognizing the opportunities presented by the rational and sustainable exploitation of their fisheries resources for developing their economies and for meeting the nutritional needs of their populations,

*Aware* of the need for cooperation and common policies among the coastal countries in the preservation, conservation and management of fishery resources of the West Central Gulf of Guinea and the need for cooperation in the development of their national fisheries industries,

*Recognizing* existing frameworks for fisheries cooperation in the West African region, with particular reference to the Fishery Committee for the Eastern Central Atlantic (CECAF), the Ministerial Conference on Fisheries Cooperation among African States bordering the Atlantic Ocean (ATLAFCO), the International Commission for the Conservation of Atlantic Tunas (ICCAT) and the African Continental Fisheries and Aquaculture Committee (CFAC),

*Recognizing* the FAO Code of Conduct for Responsible Fisheries as the appropriate normative reference to deal with a number of critical issues with which the States of the West Central Gulf of Guinea are faced in the management and development of their fisheries, such as over-fishing and overcapacity in fisheries, prevention, deterrence and elimination of illegal, unreported and unregulated fishing, development of sustainable aquaculture (CFAC), improvement of the livelihoods of small scale fishers and processors,

Have agreed as follows:

## PART 1

### GENERAL PROVISIONS

#### *Article 1*

#### *Use of terms*

“Contracting Parties” shall mean the States that have become a Party to the Convention for the Establishment of the Fishery Committee for the West Central Gulf of Guinea in accordance with article 15 of this Convention;

“1982 Convention” shall mean the United Nations Convention on the Law of the Sea of 10 December 1982;

“Ministers” shall mean the Ministers in charge of fisheries in the Committee member States.

“The Committee” shall mean the Fisheries Committee for the West Central of Gulf of Guinea.

## *Article 2*

### *Scope of application*

1. The scope of application of this Convention comprises all marine waters under national jurisdiction of the Contracting Parties.
2. This Convention shall apply to all living marine resources, without prejudice to the management responsibilities and authorities of other competent fisheries management organizations or arrangements in the area.

## *Article 3*

### *Recognition of coastal state's rights, jurisdiction and duties*

Nothing in this Convention shall be construed as prejudicing the rights, jurisdiction and duties of the coastal State under the 1982 Convention, particularly, as reflected in its article 56. This Convention shall be interpreted and applied in the context of and in a manner consistent with the 1982 Convention.

## **PART 2**

### **SECTION 1 – GENERAL PROVISIONS**

## *Article 4*

### *Establishment*

1. The Contracting Parties hereby establish the Fishery Committee for the West Central Gulf of Guinea (hereinafter referred to as “the Committee”).
2. The Committee shall consist of a Conference of Ministers, an Advisory and Coordinating Committee and a Secretariat.
3. The Committee shall have international legal personality and such legal capacity as may be necessary to perform its functions and achieve its objectives.
4. The seat of the Committee shall be at Tema, Ghana. The Committee shall enter into a headquarters agreement approved by the Conference of Ministers with the Host State. The seat of the Committee may be transferred to the territory of another Contracting Party pursuant to a decision of the Conference of Ministers.

## *Article 5*

### *Objectives*

1. The Committee shall promote cooperation among the Contracting Parties with a view to ensuring, through appropriate management, the conservation and optimum utilization of the living marine resources covered by this Convention and encouraging sustainable development of fisheries based on such resources.
2. To achieve these objectives, the Committee shall have the function and responsibility to:

- (a) provide a forum for discussion on any fishery-related matter;
- (b) improve the livelihoods of small-scale fishers and processors, including the devising of appropriate measures to deal with migrant fishers;
- (c) harmonize fisheries legislation and regulations among the Contracting Parties;
- (d) enhance cooperation in respect of relations with distant water fishing countries;
- (e) strengthen sub-regional cooperation in monitoring, control, surveillance and enforcement, including the progressive development of common procedures;
- (f) promote the development of fisheries research capabilities;
- (g) promote the development of standards for the collection, exchange and reporting of fisheries data;
- (h) develop and promote common policies and strategies, as appropriate, in the sub-region to enhance sub-regional standing in international meetings; and
- (i) promote sub-regional cooperation in the marketing and trading of fish and fish products.

## **SECTION 2 BODIES OF THE COMMITTEE**

### *Article 6*

The Committee shall be composed of a Conference of Ministers, an Advisory and Coordination Committee and a Secretariat.

### **SUBSECTION 1 - CONFERENCE OF MINISTERS**

#### *Article 7*

1. The Conference of Ministers is the supreme body of the Committee. Each Contracting Party shall be represented at meetings of the Conference of Ministers by the Minister responsible for fisheries or his or her authorized representative.
2. The first meeting of the Conference of Ministers shall be convened by the country hosting the first meeting of the Conference according to the alphabetic order of the Member States. Thereafter, regular meetings of the Conference of Ministers shall be held at least once a year.
3. Each meeting of the Conference of Ministers shall be chaired by the Minister responsible for fisheries of the Contracting Party chairing the Conference.
4. The Conference of Ministers shall hold extraordinary meetings at any other time if it so decides or at the request of any Contracting Party, provided that, within 60 days of the request being communicated to the other Contracting Parties by the Secretariat, it is supported by at least 3 other Contracting Parties. An extraordinary meeting shall not be convened on not less than 30 days notice.
5. No meeting of the Conference of Ministers shall take place unless at least 4 Ministers responsible for marine fisheries or their authorized representatives are present.

6. The Conference of Ministers shall endeavor to take decisions by consensus. Each Contracting Party shall have one vote. Where it is not possible to reach consensus the matter shall be decided by a majority of the Contracting Parties present and voting.

#### *Article 8*

##### *Functions of the Conference of Ministers*

The functions of the Conference of Ministers shall be as follows:

- (a) evaluate the implementation of this Convention;
- (b) review recommendations and reports submitted by the Advisory Coordinating Committee pursuant to article 10 (b) and (g) of this Convention respectively;
- (c) review report on the work of the Committee submitted by the Secretariat pursuant to article 12 (a) of this Convention;
- (d) adopt the rules governing the appointment of the Secretary-General;
- (e) establish general standards and guidelines for the management of the Committee;
- (f) review and approve the program of work and the budget of the Committee prepared by the Secretariat pursuant to article 12 (b) of this Convention;
- (g) determine the level of contribution of the Contracting Parties to the budget of the Committee;
- (h) adopt its own rules of procedure and the financial regulations of the Committee;
- (i) establish posts and determine the conditions of employment of the staff and adopt or amend the Staff Regulations of the Committee;
- (j) establish such subsidiary bodies as it may be deemed appropriate for the effective implementation of this Convention; and
- (k) perform such other functions as have been entrusted to it by this Convention or as may be appropriate to achieve the Committee's objectives.

### **SUBSECTION 2 – ADVISORY AND COORDINATING COMMITTEE**

#### *Article 9*

1. Each Contracting Party shall appoint one member to the Advisory Coordinating Committee, who shall be the head of the department responsible for marine fisheries or his or her authorized representative.
2. No meeting of the Advisory and Coordinating Committee shall take place unless at least 4 Contracting Parties are represented.
3. The first meeting of the Advisory and Coordinating Committee shall be convened by the first Chairperson of the Conference of Ministers.

4. Each meeting of the Advisory and Coordinating Committee shall be chaired by the representative of the Contracting Party holding the chairmanship of the Conference of Ministers at the time of the meeting.
5. The Advisory and Coordinating Committee shall hold at least two regular meetings every year.
6. Extraordinary meetings of the Advisory and Coordinating Committee may be held at such other time upon request by at least 3 Contracting Parties.
7. Regular annual meetings of the Advisory Committee shall be held alternatively at Tema, Ghana, and in the country hosting the annual meeting of the Conference of Ministers.
8. Recommendations of the Advisory and Coordinating Committee shall be adopted by consensus.

#### *Article 10*

##### *Functions of the Advisory and Coordinating Committee*

The functions of the Advisory Coordinating Committee are as follows:

- (a) supervise the activities of the Secretariat;
- (b) make recommendations to the Conference of Ministers on any matter relevant to the functions of the Committee pursuant to article 5.2 of this Convention;
- (c) provide technical and scientific advice to the Conference of Ministers;
- (d) provide guidance to the Secretary-General on the implementation of the decisions taken by the Conference of Ministers;
- (e) establish such sub-committees or working groups as it may deem appropriate for the attainment of the objectives of this Convention;
- (f) adopt its own rules of procedure;
- (g) undertake, at the request of the Conference of Ministers, any task in relation to the implementation of this Convention and report back, in due time, to the Conference of Ministers.

### **SUBSECTION 3 - SECRETARIAT**

#### *Article 11*

##### *Secretariat*

1. The Secretariat is the Executive Body of the Committee.
2. The Secretariat of the Committee shall be headed by a Secretary-General who shall be appointed by the Conference of Ministers for a period of 5 years renewable. He shall be a national from one of the Committee's Member State and selected on the basis of pre-defined selection criteria.

3. The base salary of the Secretary General shall be covered by its State of origin. He shall receive an allowance determined by the Conference of Ministers.
4. The Secretary-General shall be the legal representative of the Committee. He or she shall direct the work of the Committee in accordance with the decisions of the Conference of Ministers and under the guidance of the Advisory Coordinating Committee.
5. The staff of the Secretariat, other than the seconded staff, shall be appointed by the Secretary-General in accordance with the general conditions established by the Conference of Ministers pursuant to article 8 (i) of this Convention.

#### *Article 12*

##### *Functions of the Secretariat*

The functions of the Secretariat are as follows:

- (a) report to the Conference of Ministers on the work of the Committee;
- (b) formulate the work program and prepare the budget of the Committee;
- (c) convene, arrange and support the meetings of the Conference of Ministers, of the Advisory Coordinating Committee and of technical meetings, and prepare the necessary documentation for such meetings;
- (d) implement the decisions of the Conference of Ministers;
- (e) provide technical assistance to any Contracting Party having requested in writing such assistance; and
- (f) perform any other functions as may be determined by the Conference of Ministers.

### **SECTION 4 – FINANCIAL RESOURCES**

#### *Article 13*

##### *Funds of the Committee*

1. The funds of the Committee shall include:
  - a. obligatory contributions by the Contracting Parties for the operations of the Committee;
  - b. such other funds as the Committee may receive from the Contracting Parties or any other donors.

The Contracting Parties shall equally contribute to the operations budget of the Committee

#### *Article 14*

##### *Annual audit*

The records, books and accounts of the Committee shall be audited by an independent auditor appointed by the Conference of Ministers.

## **PART 3**

### **INTERPRETATION AND SETTLEMENT OF DISPUTES**

#### *Article 15*

##### *Interpretation and settlement of disputes*

1. In the event of a dispute between Contracting Parties concerning the interpretation or implementation of this Convention, the Contracting Parties concerned shall notify the dispute to the Secretariat and seek a solution through negotiation, conciliation or mediation.
2. If the Contracting Parties concerned cannot settle the issue through negotiation, conciliation or mediation, it shall be submitted to arbitration at the request of any Contracting Party. The parties to the dispute shall appoint one arbitrator each. The two arbitrators so appointed shall designate by mutual agreement the third arbitrator, who shall be the President of the Arbitral Tribunal. If one of the parties to the dispute does not appoint an arbitrator within two months of the appointment of the first arbitrator, or if the President of the Arbitral Tribunal has not been appointed within two months of the appointment of the second arbitrator, the Chairperson of the Conference of Ministers shall appoint the second arbitrator, or the President of the Arbitral Tribunal as the case may be. The decision of the Arbitral Tribunal, which is binding in character, shall be final.

## **PART 4**

### **FINAL PROVISIONS**

#### *Article 16*

##### *Signature and entry into force*

1. This Convention shall be open for signature by the Republic of Benin, the Republic of Côte d'Ivoire, the Republic of Ghana, the Republic of Liberia, the Federal Republic of Nigeria and the Republic of Togo.
2. This Convention shall enter into force 30 days after the fourth signature. Thereafter, it shall enter into force for any Contracting Party 30 days after signature by such Contracting Party.
3. Instruments of ratification, acceptance or approval shall be deposited with the depositary.

#### *Article 17*

##### *Cooperation with other organizations and institutions*

The Committee shall cooperate with other intergovernmental organizations and institutions, particularly those active in the sector of fisheries, which might contribute to the work and further the objectives of the Committee.

#### *Article 18*

##### *Protocols*

1. The Contracting Parties may adopt protocols to this Convention that they consider appropriate to further the attainment of the objectives of this Convention.
2. Protocols shall be adopted at a meeting of the Conference of Ministers. The text of any proposed protocol shall be communicated to the Contracting Parties by the Secretariat at least 6 months before the meeting at which it shall be considered.
3. A State shall not become a party to a protocol unless it is, or becomes at the same time, a party to this Convention.
4. Decisions under any protocol shall be taken only by the parties to the protocol concerned. A Contracting Party that has not approved a protocol may participate as an observer in any meeting of the parties to that protocol.

#### *Article 19*

##### *Amendment*

1. Any Contracting Party may propose amendments to this Convention or to any protocol to which it is a signatory.
2. Amendments to this Convention shall be adopted by the Conference of Ministers.
3. Amendments to a protocol shall be adopted by a meeting of the Contracting Parties that are signatories to the protocol concerned.
4. Any proposal to amend this Convention or a protocol shall be made by written communication addressed to the Secretary-General at least 60 days before the meeting of the Conference of Ministers or of the Contracting Parties that are signatories to the protocol at which it is to be considered. The Secretary-General shall immediately inform all Contracting Parties or Contracting Parties that are signatories to the protocol of such communication.
5. An amendment to this Convention shall be considered at the annual meeting of the Conference of Ministers unless any Contracting Party in accordance with article 6.4 of this Convention requests the convening of an extraordinary meeting to consider the proposed amendment. Amendments to this Convention shall be adopted by consensus. The text of any amendment adopted by the Conference of Ministers shall be transmitted promptly by the Secretary-General to all Contracting Parties.
6. Amendments to any protocol shall be adopted by consensus.
7. Amendments shall take effect for all Contracting Parties or the Contracting Parties that are signatories to the protocol concerned 30 days after their adoption by the Conference of Ministers or the meeting of the Contracting Parties that are signatories to the protocol concerned.

#### *Article 20*

##### *Withdrawal*



A Contracting party may, by written notice to the depositary, withdraw from this Convention. The withdrawal shall take effect one year after the date of receipt of the notice.

*Article 21*

*Termination*

This Convention shall be automatically terminated if and when, as the result of withdrawals, the number of Contracting Parties drops below 4, unless the remaining Contracting Parties decide otherwise.

*Article 22*

*Depositary*

The United Nations Food and Agricultural Organization shall be the depositary of this Convention and any amendments or revisions thereto. The depositary shall register this Convention with the Secretary-General of the United Nations in accordance with article 102 of the Charter of the United Nations.

*Article 23*

*Authentic texts*

The English and French texts of this Convention are equally authentic.

IN WITNESS WHEREOF, the Parties to the Convention, have adopted this protocol of which the English and French versions shall equally prevail.

DONE in Cotonou, BENIN, this November 7, 2007.