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## **REGIONAL CONVENTION ON FISHERIES COOPERATION AMONG AFRICAN STATES BORDERING THE ATLANTIC OCEAN**

### **FINAL ACT OF THE MINISTERIAL CONFERENCE ON FISHERIES COOPERATION AMONG AFRICAN STATES BORDERING THE ATLANTIC OCEAN**

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1. The Ministerial Conference on Fisheries Cooperation among African States Bordering the Atlantic Ocean, took place in Rabat (Morocco) from 30 March to 1 April, 1989.

2. Representatives of the following States participated at the Conference:

Angola, Benin, Cameroon, Cape Verde, Congo, Côte d'Ivoire, Gabon, The Gambia, Guinea, Guinea-Bissau, Equatorial Guinea, Liberia, Morocco, Mauritania, Nigeria, Sao Tome and Principe, Senegal, Sierra Leone, Togo and Zaire.

3. The Conference elected by acclamation the following Bureau:

*Chairman* : Morocco

*Vice-Chairman* : Côte d'Ivoire

*Vice-Chairman* : Liberia

*Vice-Chairman* : Cape Verde

*Rapporteur* : Senegal

4. The Conference unanimously adopted the Rabat Declaration. This Declaration established the basis of a global programme of regional cooperation, expanded and diversified in nature and which will cover all aspects of organizing and developing fisheries management among the states of the Region.

5. The achievement of the objectives of a programme of this nature implies that, as far as possible, there must be a specific legal framework delineating the areas of cooperation and the ways and means for their implementation, as well as an institutional structure capable of ensuring coordination and followup.

6. To this end, the Conference of Ministers decided to establish a FollowUp Committee to ensure the implementation of its recommendations (Paragraph 47 of the final report of the Ministerial Conference).

7. This FollowUp Committee met in Rabat from 29-31 May 1990 and recommended the preparation of a draft regional convention on fisheries cooperation and requested the Secretariat of the Conference to circulate the document among the relevant agencies of the United Nations in order to obtain their opinion (Paragraph 45 of the report of the FollowUp Committee).

8. In accordance with the recommendation formulated in paragraph 45 of the report of the FollowUp Committee, it was also agreed that the draft of the Convention would also be sent to the States of the Region for their review and comments.

9. The Secretariat of the Conference received comments, particularly from the Food and Agriculture Organization of the United Nations (FAO), the United Nations Office for Ocean Affairs and the Law of Sea (OALOS) and the United Nations Industrial Development Organization (UNIDO). These comments have been incorporated into the draft Convention.

10. The Director-General of the FAO, in conjunction with the Chairman of the Conference, organized from 27-30 May 1991 at the headquarters of the FAO in Rome, a meeting of legal experts from the member states of the FollowUp Committee as well as experts from different international organizations. A further draft of the Convention was completed at this meeting.

11. The different preparatory phases mentioned above led to the completion of the draft Convention which

was reviewed by the Meeting of Experts and the Conference of Ministers, during the 2nd session of the Ministerial Conference on Fisheries Cooperation among African States Bordering the Atlantic Ocean, meeting in Dakar from 12 July 1991 (meeting of Experts) and 4-5 July 1991 (Conference of Ministers).

12. The following countries of the Region were invited to this 2nd session of the Ministerial Conference of the Countries of the Region:

Angola, Benin, Cameroon, Cape Verde, Congo, Côte d'Ivoire, Gabon; The Gambia, Ghana, Guinea, Guinea Bissau, Equatorial Guinea, Liberia, Morocco, Mauritania, Namibia, Nigeria, Sao Tome and Principe, Senegal, Sierra Leone, Togo and Zaire.

13. Observers at this 2nd session of the Ministerial Conference were from the following International and Regional organizations, and Institutions:

United Nations Office for Maritime Affairs and the Law of the Sea

United Nations Environment Programme (UNEP)

United Nations Food and Agriculture Organization (FAO) and INFOPÊCHE

International Maritime Organization (IMO)

United Nations Industrial Development Organization (UNIDO)

European Economic Community (EEC)

SubRegional Fisheries Commission

Canadian International Development Agency (CIDA)

International Centre of Ocean Development (ICOD)

French Institute for Ocean Research and Development (IFREMER).

14. The Conference elected by acclamation the following Bureau:

Chairman: Senegal

Vice-Chairman: Angola

Vice-Chairman: Guinea

Vice-Chairman: Nigeria

Rapporteur: Cameroon

**IN WITNESS WHEREOF**, the representatives have signed the present Final Act.

Established in Dakar on 5th July 1991, in a single original in the English and French languages, each text being equally authentic. The original documents shall be deposited with the Director-General of the Food and Agriculture Organization.

People's Republic of Angola

Republic of Cameroon: (signed)

Republic of Cape Verde: (signed)

Republic of Congo

Republic of Côte d'Ivoire: (signed)

Republic of Gabon

Republic of The Gambia

Republic of Guinea: (signed)

Republic of Guinea-Bissau

Kingdom of Morocco

Federal Republic of Nigeria: (signed)

Republic of Senegal: (signed)

Republic of Togo: (signed)

Republic of Zaire: (signed)

## **REGIONAL CONVENTION ON FISHERIES COOPERATION AMONG AFRICAN STATES BORDERING THE ATLANTIC OCEAN**

The African States Bordering the Atlantic Ocean, Parties to this Convention:

**MINDFUL** of the United Nations Convention on the Law of the Sea signed on 10 December 1982, in particular its provisions encouraging the conclusion of regional and subregional agreements on fisheries cooperation as well as other relevant international treaties;

**BEARING IN MIND** the Rabat Declaration adopted at the end of the Ministerial Conference on Fisheries Cooperation among African States bordering the Atlantic Ocean, which took place in the Kingdom of Morocco from 30 March to 1 April, 1989;

**TAKING INTO ACCOUNT** the existing regional and subregional fisheries agreements between States of the Region;

**CONVINCED** that, in view of the particular nature of the marine environment no rational management of stocks and consequently sustainable fisheries development may be secured without coordination of policies in this field particularly among States belonging to the same region;

**CONVINCED**, therefore, of the need for regional consultation for the purpose of achieving harmonized policies regarding fishery resources exploitation, conservation and processing;

**DETERMINED**, for that purpose, to promote between them and in collaboration with competent subregional, regional, and international organizations, active cooperation in line with the aspirations of States of the Region, within the context of a fisheries management strategy designed to serve the economic, social and nutritional development of their populations;

**HAVE AGREED** as follows:

### **ARTICLE 1**

#### **Scope and Use of Terms**

1. The provisions of this Convention shall apply to the following African States bordering the Atlantic Ocean:

People's Republic of Angola, Republic of Benin, Republic of Cameroon, Republic of Cape Verde, Republic of Congo, Republic of Côte d'Ivoire, Republic of Gabon, Republic of The Gambia, Republic of Ghana, Republic of Guinea, Republic of Guinea-Bissau, Republic of Equatorial Guinea, Republic of Liberia, Kingdom of Morocco, Islamic Republic of Mauritania, Republic of Namibia, Federal Republic of Nigeria, Democratic Republic of Sao Tome and Principe, Republic of Senegal, Republic of Sierra Leone, Republic of Togo, Republic of Zaire.

2. For the purpose of this Convention:

- (a) "Region": means the area comprising the above mentioned-States;
- (b) "Party": means any State party to this Convention;
- (c) "Convention": means this Convention.

## **ARTICLE 2**

### **Objectives**

The objectives of this Convention shall be to enable Parties:

- (a) to promote an active and organized cooperation in the area of fisheries management and development in the Region;
- (b) to take up the challenge of food selfsufficiency through the rational utilization of fishery resources, within the context of an integrated approach that would embrace all the components of the fishing sector;
- (c) to stimulate the national economic sectors through the direct and secondary effects resulting from fishery resources exploitation, bearing in mind the importance of the fisheries sector in the economic, social and nutritional development process of the people of the Region;
- (d) to enhance, coordinate and harmonize their efforts and capabilities for the purpose of conserving, exploiting, upgrading and marketing fishery resources, considering in particular fish stocks occurring within the waters under the sovereignty or jurisdiction of more than one Party;
- (e) to reinforce solidarity with African landlocked States and geographically disadvantaged States of the Region.

## **ARTICLE 3**

### **Conservation and Management of Fishery Resources**

1. Parties shall combine their efforts to ensure the conservation and rational management of their fishery resources and take concerted action for the assessment of fish stocks occurring within the waters under the sovereignty or jurisdiction of more than one Party.
2. Parties shall establish and maintain an upto-date inventory of human and material resources of the Region and shall conclude arrangements utilizing their complementary strengths in the area of fishery resources assessment.
3. Parties shall exchange scientific information regarding fishery resources, statistics relating to catch and fishing effort and other data relevant to the conservation and management of fish stocks with the objective of achieving their optimum utilization.
4. Parties shall endeavour to adopt harmonized policies concerning the conservation, management and exploitation of fishery resources, in particular with regard to the determination of catch quotas and, as appropriate, the adoption of joint regulation of fishing seasons.

## **ARTICLE 4**

### **Assessment and Conservation of Highly Migratory Species**

Parties undertake to exchange information on their activities regarding the assessment and conservation of highly migratory species and coordinate their actions in this area within the competent international organizations.

## **ARTICLE 5**

### **Monitoring, Surveillance and Control of Fishing Vessels**

Parties shall work and collaborate with all the means at their disposal, or which they may jointly acquire to ensure the monitoring, surveillance and control, including technical control, of fishing vessels operating in the Region.

## **ARTICLE 6**

### **Development of Fishery Production and Means of Production**

1. Parties shall give particular attention to development and upgrading of fishery production in all its forms so that the beneficial effects of fishing activity may contribute to the social and economic development of their people.

2. For the purpose of developing fishery production in the Region, Parties shall promote cooperation and encourage joint actions in the following priority areas:

- (a) the enhancement of the Region's capabilities with respect to freezing plants and fish processing facilities;
- (b) the modernization of means of production, particularly for artisanal fishing;
- (c) the promotion of under-valued or under-exploited species;
- (d) the development of aquaculture and the utilization of technical improvements achieved in this area for the purpose of adapting it to the particular circumstances of the Region.

## **ARTICLE 7**

### **Marketing of Fishery Products**

1. Parties shall encourage the establishment of bilateral and multilateral cooperation in the marketing of fishery products so as to promote intraAfrican fish trade and to enhance the exporting capacities of Parties in the world market. To this end they undertake:

- (a) to inquire into their needs and capacities regarding fishery products;
- (b) to promote and harmonize laws and regulations concerning trade in fishery products;
- (c) to determine common positions regarding international trade in fishery products;
- (d) to promote the conclusion of bilateral or multilateral arrangements favouring, in particular, trade preferences and facilities for payment;
- (e) to identify and carry out measures capable of enhancing the quality image of fishery products of the Region.

2. Parties shall encourage meetings between operators from the fisheries sector in order to encourage the

exchange of information on technological advances in fisheries and aquaculture and to promote the products of their respective fishing industries.

## **ARTICLE 8**

### **Fisheries Planning and Financing**

With a view to promoting the fisheries sector and its connected industries at the macroeconomic level, Parties shall endeavour:

- (a) to reinforce specialized bodies and capabilities, in particular those relating to economic and social analysis, in order to determine the required policies and strategies for the rational management and planned development of the fisheries of the Region;
- (b) to promote specific financing mechanisms in line with the needs of the Region's fisheries sector, in the form of a system of maritime credit or other appropriate system.

## **ARTICLE 9**

### **Social Conditions of Fishermen**

Taking into account the vital role of the Region's fishermen in the development of artisanal and industrial fisheries, Parties agree to promote the improvement of their welfare in particular with respect to professional standing and working conditions.

## **ARTICLE 10**

### **Enhancement of Vocational and Technical Training**

In order to meet more effectively the specific needs of the fisheries sector in terms of persons qualified at sea and on shore, Parties shall:

- (a) promote the establishment of regional cooperation in the field of maritime training that would encompass technical, scientific, economic and legal aspects relevant to the fisheries sector. Such training will take into account relevant international standards and regulations as well as the evolution of maritime technologies;
- (b) encourage optimum use of the Region's training institutions so as to foster the exchange of trainers and students as well as the joint formulation of training programmes;
- (c) collaborate in the establishment and updating of a directory of training institutions in the Region that would in particular indicate the requirements for admission to these institutions;
- (d) promote a common regional maritime training policy that would cover all levels and activities of the fisheries sector and give particular consideration to the training of women.

## **ARTICLE 11**

### **Development of Marine Scientific Research**

1. Parties shall encourage the exchange of experience in the field of marine scientific research with a view to promoting joint activities aiming at achieving better knowledge of the marine environment and its resources and, in due course, formulating fisheries management plans as well as improving fishing techniques or gears adapted to the specific needs of the Region;
2. Parties shall encourage the twinning of the Region's institutions so as to allow the exchange of scientists and the formulation of research programmes as well as the optimum use of vessels and other means of research.

## **ARTICLE 12**

### **Protection and Preservation of the Marine Environment**

1. Parties shall intensify their efforts at the national, regional and international levels, directly or with the assistance of competent regional or international organisations, to ensure the protection and preservation of the marine environment as well as the management of coastal areas of the Region.
2. To this end, they shall promote the strengthening of bilateral, subregional and international cooperation mechanisms dealing with the protection and preservation of the marine environment and coastal areas as well as the intensification of their activities, while taking into account the relevant international standards and regulations on the subject.

## **ARTICLE 13**

### **Harmonization of Policies**

Parties shall endeavour to harmonize their fisheries policies. To this end:

- (a) they shall adopt at the national level, laws and regulations to ensure proper implementation of the provisions of this Convention and its protocols;
- (b) they shall encourage the exchange of information on fisheries laws and regulations and methods of their implementation;
- (c) they agree to consult one another in international conferences on fisheries in order to harmonize their positions.

## **ARTICLE 14**

### **Fisheries Cooperation Agreements**

Parties shall encourage the conclusion of fisheries agreements between them on a preferential basis. Furthermore, they shall exchange their experience in the negotiation and conclusion of fisheries cooperation agreements with third parties.

## **ARTICLE 15**

### **Maritime Data and Information Bank**

With a view to promoting the dissemination of scientific, economic, technical and legal data and information regarding the Region's fisheries, Parties shall collaborate in the establishment and operation of a data and information bank, in cooperation with relevant subregional, regional and international organizations.

## **ARTICLE 16**

### **Solidarity with LandLocked African States and with Geographically Disadvantaged States of the Region**

Parties affirm their solidarity with landlocked African States and with geographically disadvantaged States of the Region and shall establish active cooperation with them.

## **ARTICLE 17**

### **Institutional Framework**

1. For the purpose of implementing this Convention and its protocols, Parties shall establish an institutional framework comprising the Conference of Ministers, the Bureau and the Secretariat.

(a) The Conference of Ministers is the governing and decision making body with respect to fisheries cooperation among the Parties. It shall determine the objectives and principles governing programmes and activities to be carried out under this Convention. It shall hold a regular session once every two years and a special session at the request of a majority of the Parties;

(b) the Bureau is the coordinating organ of the Conference of Ministers;

(c) the Secretariat is the executive organ.

2. The Conference of Ministers shall define the status of the above-mentioned organs.

3. Third States and competent governmental and non-governmental international organizations may be invited as observers to the sessions and meetings of the said organs.

## **ARTICLE 18**

### **Budget**

A regional fisheries development fund (RFDF) shall be established. Such fund shall be managed by the Secretariat and the modalities concerning its establishment and operation shall be determined by the Conference of Ministers. The fund shall be used:

(a) to cover the operating expenses of the Secretariat;

(b) to finance project and programme activities to be carried out under this Convention.

## **ARTICLE 19**

### **Protocols**

Parties shall prepare and adopt additional protocols establishing measures, procedures and standards for the purpose of clarifying and improving the methods by which the provisions of this Convention shall be implemented.

## **ARTICLE 20**

### **Cooperation with Other Organizations**

With a view to achieving the objectives of this Convention, Parties shall cooperate through all appropriate means with relevant sub-regional, regional and international organizations, as well as with any other concerned institution.

## **ARTICLE 21**

### **Settlement of Disputes**

Parties shall settle any dispute between them concerning the interpretation or application of this Convention by peaceful means in accordance with the Charter of the United Nations.

## **ARTICLE 22**

### **Signature**

This Convention shall remain open for signature by States of the Region with the Government of Senegal and also with the Depositary until 31 December 1992.



## **ARTICLE 23**

### **Ratification, Acceptance, Approval or Accession**

This Convention shall be subject to ratification, acceptance or approval by States which have signed it and shall remain open for accession by other States of the Region in accordance with their respective procedures.

## **ARTICLE 24**

### **Entry into Force**

1. This Convention shall enter into force thirty (30) days following the deposit with the Director-General of the Food and Agriculture Organization of the United Nations of the seventh instrument of ratification, approval or accession.

2. For each of the States which ratifies the Convention or accedes after the deposit of the seventh instrument of ratification or accession, the Convention shall enter into force thirty (30) days after the deposit by that State of its instrument of ratification accession.

## **ARTICLE 25**

### **Amendments**

Any Party may propose amendments to this Convention and its protocols. Amendments shall be circulated to all Parties six (6) months prior to their consideration.

Amendments shall be adopted by a two-thirds majority of the Parties and shall enter into force ninety (90) days after their adoption.

## **ARTICLE 26**

### **Denunciation**

Five (5) years after the coming into force of the Convention any party may denounce it, provided that it notifies to the depositary its intention to do so.

A denunciation shall take effect one year after receipt of this notification.

## **ARTICLE 27**

### **Depositary**

1. This Convention shall be deposited with:

The Director-General of the Food and Agriculture Organization of the United Nations who shall transmit certified true copies of this Convention to the Government of States which have signed it.

2. The depositary shall notify:

(a) each new signatory of the Convention, and the deposit of an instrument of ratification, acceptance, approval or accession;

(b) the date on which the Convention enters into force;

(c) the date of coming into force of this Convention to proposals for amendments presented in accordance with Article 25 and the date of coming into force of amendments adopted;

(d) the intention to denounce this Convention in accordance with Article 26 together with the date on which the denunciation takes effect.

## ARTICLE 28

### Languages

1. This Convention is established in a single original in the English and French languages, each text being equally authentic.

2. A certified true copy of this Convention shall be transmitted to the Secretary General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations.

**IN WITNESS WHEREOF** the undersigned, being duly authorized by their respective Governments for that purpose, have signed this Convention.

DONE in Dakar this 5th day of July 1991

People's Republic of Angola

Republic of Benin

Republic of Cameroon

Republic of Cape Verde

Republic of Congo: (signed)

Republic of Côte d'Ivoire

Republic of Gabon

Republic of The Gambia

Republic of Ghana

Republic of Guinea

Republic of Guinea-Bissau

Republic of Equatorial Guinea

Republic of Liberia

Kingdom of Morocco

Islamic Republic of Mauritania

Republic of Namibia

Federal Republic of Nigeria

Democratic Republic of Sao Tome and Principe

Republic of Senegal: (signed)

Republic of Sierra Leone

Republic of Togo: (signed)

Republic of Zaire: (signed)

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