
CONSTITUTION OF THE CENTRE FOR MARKETING INFORMATION AND ADVISORY SERVICES FOR FISHERY PRODUCTS IN THE ARAB REGION (INFOSAMAK)

FINAL ACT OF THE CONSTITUENT ASSEMBLY OF THE CENTRE FOR MARKETING INFORMATION AND ADVISORY SERVICES FOR FISHERY PRODUCTS IN THE ARAB REGION (INFOSAMAK)

Manama, Bahrain, 23 - 24 June 1993

1. In response to a request made by the Government Consultation on the Fish Marketing Information Promotion and Technical Advisory Services for Arab Countries held in Rome on 4 and 5 April 1991, the Food and Agriculture Organization of the United Nations initiated procedures towards establishing the INFOSAMAK Project as an independent international Arab institution.
2. At the invitation of the Government of the State of Bahrain, designated by the Consultation as host country of the institution, the Constituent Assembly of the Centre for Marketing Information and Advisory Services for Fishery Products in the Arab Region (INFOSAMAK) was held in Manama on 23 and 24 June 1993.
3. The Governments of the following States were represented:

Bahrain, Mauritania, Morocco, Oman, Syria, Tunisia and Yemen.
4. The following institutions emerging from the Arab League were represented:

The Arab Federation for Fish Producers,

The Arab Fund for Economic and Social Development,

The Arab Organisation for Investment and Agriculture Development.
5. The following institutions and companies were represented by an observer:

Arabian Fisheries (Saudi Arabia),

Federation of GCC Chambers (Saudi Arabia),

Kuwait Institute for Scientific Research (Kuwait),

National Fishing Company (Kuwait),

Saudi Fisheries Company (Saudi Arabia),

Société Mauritanienne de Commercialisation du Poisson (SMCP)(Mauritania),

United Fisheries of Kuwait (Kuwait).
6. The Food and Agriculture Organization of the United Nations was represented by:

Mr. Izzat Feidi, Regional Fisheries Officer, FAO/Regional Office for the Near East and Mr. Denis Fadda, FAO Legal Office
7. H.E. Mohammed Baqer Al Tajar, the Assistant UnderSecretary for the Ministry of Commerce and Agriculture of the State of Bahrain addressed the Assembly at its inaugural ceremony.
8. The Constituent Assembly elected Mr. Jassim AlQaseer (Bahrain) as President and Mr. Lahlou AbdelAli (Morocco) and Mr. Farouq Bahso (Yemen) as VicePresidents.
9. The Constituent Assembly elected a credentials committee constituted

by representatives of Mauritania, Syria and Tunisia.

10. The Draft Constitution of the Centre for Marketing Information and Advisory Services for Fishery Products in the Arab Region (INFOSAMAK) has been prepared by the Secretariat of the Food and Agriculture Organization of the United Nations in conformity with the recommendations of the Government Consultation on the Fish Marketing, Information, Promotion and Technical Advisory Services for Arab Countries held in Rome on 4 and 5 April 1991.

11. After debates and amendments the Draft Constitution was adopted by the Constituent Assembly as reproduced in Annex I to this Final Act. The Constitution, as adopted, was open for signature on 24 June 1993.

12. The Constituent Assembly agreed that the entry into force of the attached Constitution will be effective only when the contributions to be paid by each State, in accordance with the scale of contributions provided for in Article 14 paragraph 4 of the Constitution, will have been formally accepted by all the Member States of the Centre.

13. The Constituent Assembly also adapted the two Resolutions attached as Annex II and III to this Final Act.

ANNEX I TO FINAL ACT

CONSTITUTION OF THE CENTRE FOR MARKETING INFORMATION AND ADVISORY SERVICES FOR FISHERY PRODUCTS IN THE ARAB REGION (INFOSAMAK)

**Amended text as adopted by the General Assembly of the Centre at its
First Extraordinary Session - Rome, 16 March 1995**

PREAMBLE

The Contracting Parties

Conscious of the great importance of fisheries as a significant sector of the development of the Arab countries;

Recognizing that most Arab countries would benefit greatly from the development of their fisheries which may partly depend on the establishment of an international market information service for fishery products, leading to a more balanced supply situation on the markets, promote a more regular pattern of prices and encourage the best use to be made of fishery resources;

Realizing that the promotion and success of such services can be facilitated through regional cooperation;

Considering that the said cooperation can best be achieved through the establishment of an international institution carrying out its activities in collaboration with States, international organizations, institutions and also private entities that may be able to provide financial and technical support;

Have agreed to establish the Centre for Marketing Information and Advisory Services for Fishery Products in the Arab Region, hereinafter referred to as "INFOSAMAK" that shall be organized and operated in accordance with the present Constitution:

ARTICLE 1

Definitions

Within the meaning of this Constitution;

- (a) "Members" shall mean the Member States as well as the Associate Members referred to in Article 5(2) and (3);
- (b) "Bye-laws" shall mean the bye-laws of the Centre as approved by its General Assembly;
- (c) "Institution" shall mean any national or international organ or other body concerned with fisheries;
- (d) "Region" (or "regional") shall mean the Arab Region.

ARTICLE 2

Objectives

The objectives of INFOSAMAK shall be to provide marketing information and advisory services relating to fishery products of the Region and, in particular:

- (a) to enable the fisheries of the Region to develop in accordance with current and future market demand and to take full advantage of the potential offered by their fishery resources;
- (b) to contribute to more balanced supplies of fishery products in the Arab Region;
- (c) to make the best use of export opportunities within and outside the Region; and
- (d) to promote economic and technical cooperation among its Members in this sector.

ARTICLE 3

Functions

For the achievement of its objectives, INFOSAMAK shall:

- (a) provide to its Members information on marketing opportunities and supply prospects of fishery products within and outside the Region;
- (b) advise on product specifications, processing methods and quality standards in accordance with market requirements;
- (c) assist its Members under payment of broker fees in developing new marketing opportunities for fishery resources that are not fully utilized for human consumption;
- (d) assist in the planning and implementation of national fish market information and research activities in the Region;
- (e) train staff in governments, institutions and industry that are Members of INFOSAMAK, in marketing development and strengthen national institutions involved in this field.

ARTICLE 4

Legal Status, Privileges and Immunities

1. INFOSAMAK shall be an independent intergovernmental organization having the capacity of a legal person to perform any legal act that is necessary or useful for the carrying out of its functions or for the exercise of its powers under this Constitution. In particular, INFOSAMAK shall have the capacity to hold movable and immovable properties, to enter into contracts and to institute legal proceedings.

2. The seat of INFOSAMAK shall be determined by the General Assembly by a two-third majority of its Member States. The host State shall make available to the Centre, without charge, the premises and

facilities required for its operation as described in the Headquarters Agreement annexed to this Constitution.

3. Each Member State of INFOSAMAK shall grant:

(a) to the Centre and its property, funds and assets, such privileges and immunities and facilities as may be appropriate to enable the Centre to carry out its activities; and

(b) to representatives of any Member performing official duties in connection with the work of the Centre, and to the Director and staff of INFOSAMAK, such privileges, immunities and facilities as may be appropriate to enable them to perform their official duties.

4. Without prejudice to paragraph 3, the host State undertakes to accord the privileges, immunities and facilities set out in the Headquarters Agreement.

ARTICLE 5

Membership

1. There shall be two classes of membership to INFOSAMAK: Member States and Associate Members.

2. Member States shall be the Arab States which sign or accept this Constitution by way of an instrument of acceptance sent to the Depository of the Constitution as provided for in Article 21, paragraphs 1 and 3.

3. Associate membership shall be open to:

(a) any teaching or research institute active in the fish marketing sector;

(b) any bank or other financial institution, whether national or regional, that is or may be actively engaged in the financing of programmes or projects having to deal with fisheries and the fishery industry;

(c) any regional organization engaged in research, technical assistance, financial aid or development action in fisheries;

(d) any corporate entity operating in the fisheries sector in the Region;

(e) any manufacturer or supplier of equipment for fisheries or fishery product processing; and

(f) any public or private institution, whether national or regional, of recognized achievement in fisheries development.

4. The original Members of INFOSAMAK shall be the Arab States which participated in the Constituent Assembly of INFOSAMAK, and which have signed this Constitution or accepted it.

5. The General Assembly of the Centre may, by a two-thirds majority of its Member States present and voting, admit as Associate Member of the Centre any entity referred to in paragraph 3 above, which has submitted an application for associate membership.

ARTICLE 6

Rights and Obligations of Members

1. All Members may:

(a) attend sessions of the General Assembly and any other meetings convened by INFOSAMAK;

(b) have the right to speak and make proposals at sessions of the General Assembly and any other meetings convened by INFOSAMAK;

(c) request and be furnished, within the framework of INFOSAMAK, with information on matters of concern to them and pertaining to subject-matter field of INFOSAMAK;

(d) receive the publications and have access to information produced by INFOSAMAK.

2. All Members shall:

(a) honour their financial undertakings towards INFOSAMAK;

(b) collaborate in constituting the subsidiary organs of INFOSAMAK;

(c) deal expeditiously with requests for information made by INFOSAMAK;

(d) carry out any assignment that may be entrusted to them by the General Assembly;

(e) collaborate with INFOSAMAK in the pursuit of its objectives and in the exercise of its functions;

ARTICLE 7

Right to Vote

Only the Member States of INFOSAMAK, shall have the right to vote at the sessions of the General Assembly and any meeting convened by INFOSAMAK.

ARTICLE 8

Organs of the Centre

1. The organs of INFOSAMAK shall be:

(a) the General Assembly;

(b) the Technical Committee;

(c) the subsidiary bodies established by the General Assembly under Article 10 sub-paragraph (r) of this Constitution.

2. The Bye-laws of INFOSAMAK to be adopted by the General Assembly in accordance with Article 10 (s) shall, *inter alia*, prescribe the rules of procedure for the various organs of INFOSAMAK.

ARTICLE 9

The General Assembly

1. The General Assembly shall consist of all Members of INFOSAMAK.

2. The General Assembly shall hold regular sessions once every two years at such time and place as it shall determine.

3. Extraordinary sessions may be convened in accordance with the rules of procedure of the General Assembly.

4. The General Assembly shall elect from among the representatives of the INFOSAMAK Member States a Chairman, a First Vice-Chairman and a Second Vice-Chairman which term of office will be of two years. In electing them, the General Assembly shall take due account of the necessity to have different parts of the Region represented.

ARTICLE 10

Functions of the General Assembly

The General Assembly shall:

- (a) examine and approve the report of the activities of the Centre;
- (b) examine and approve the financial report of the Centre;
- (c) appoint the Director of the Centre;
- (d) appoint an Auditor;
- (e) examine the report of the Auditor;
- (f) determine the strategies and policies of the Centre and approve its biannual Programme of Work and its Budget;
- (g) appoint the Technical Committee members;
- (h) review, provide guidance on, and coordinate the activities of all the organs of the Centre contemplated in this Constitution;
- (i) admit the Associate Members of the Centre in accordance with Article 5.5;
- (j) examine and decide on any matters put before it by the Technical Committee;
- (k) examine and adopt rules governing the activities of the Centre and its organs;
- (l) lay down general standards and guidelines for the management of the Centre, including for the fees to be charged for services;
- (m) adopt rules governing the settlement of disputes, referred to in Article 19;
- (n) determine the admission fees, the annual fees and the annual contribution to be paid by the Centre's Members;
- (o) establish, whenever necessary, sub-regional offices;
- (p) amend, whenever necessary, this Constitution and the annexed Headquarters Agreement under the conditions provided for in Article 18;
- (q) approve formal arrangements with States, international organizations and institutions;
- (r) set up any subsidiary body that it deems to be necessary in order to attain the object or carry out the functions of the Centre;
- (s) adopt the Centre's Bye-laws, including the Financial Regulations and the Staff Regulations which fix the general conditions of employment of the staff;
- (t) establish, if necessary, a reserve account and determine the rules governing its functions;
- (u) examine any other matter relevant to the objectives or activities of the Centre that it deems appropriate.

ARTICLE 11

Functions of the Chairman

The Chairman shall preside at the sessions of the General Assembly. In the absence or incapacity of the Chairman, the First Vice-Chairman shall exercise the functions of the Chairman. In the absence or

incapacity of both the Chairman and the First Vice-Chairman, the Second Vice-Chairman shall exercise these functions.

ARTICLE 12

Technical Committee

1. The Technical Committee shall consist of six members appointed by the General Assembly for a two-year term, renewable once. The Technical Committee shall elect from among its members a Chairman and a Vice-Chairman for a two year term, renewable. The Director of INFOSAMAK will attend the Technical Committee sessions.
2. The members are elected on the Technical Committee in their personal capacity. The members of the Technical Committee shall be persons specialized in questions relating to the marketing and trade of fishery products.
3. The Technical Committee is empowered to endorse applications for associate membership of any institution or any entity referred to in Article 5.3 and to place these before the General Assembly.
4. The Technical Committee meets at least once a year.
5. The Technical Committee shall:
 - (a) review the activities of the Centre;
 - (b) make recommendations to the General Assembly on any matters relevant to the General Assembly's functions;
 - (c) give guidance to the Director of the Centre on the implementation of the policy and decisions adopted by the General Assembly;
 - (d) advise on questions which the Director of the Centre submits to it. Where a question requires an urgent action, the Director of the Centre may submit it to the Technical Committee members by correspondence or by other rapid means of communication for the purpose of a postal vote;
 - (e) propose to the General Assembly any measures and regulations it deems necessary or useful for the pursuit of the work of the Centre, provided that such measures and regulations shall be in conformity with this Constitution, the Bye-laws or other rules or regulations adopted by the General Assembly;
 - (f) carry out any other functions entrusted to it by the General Assembly.
6. All decisions of the Technical Committee shall be taken by a simple majority of the votes cast. A simple majority of the members of the Technical Committee shall constitute a quorum. In case of equal votes, the vote of the Chairman will prevail.

ARTICLE 13

Director and Staff

1. The Centre shall have a Director appointed by the General Assembly on such conditions as it may determine. The tenure of the Director is four years. His term may be renewed by a decision of the General Assembly.
2. The Director shall be the legal representative of INFOSAMAK. He shall direct the work of INFOSAMAK in accordance with the policy and decisions adopted by the General Assembly, and under the guidance of the Technical Committee.
3. The Director shall, through the Technical Committee, submit to the General Assembly at each regular

session:

- (a) a report on the work of INFOSAMAK, as well as the audited accounts; and
- (b) a draft programme of work of INFOSAMAK and a draft budget, after review by the Technical Committee.

4. The Director shall prepare and organize the sessions of the General Assembly, the Technical Committee and all other meetings of INFOSAMAK. He shall provide the secretariat for such meetings and shall have the right to attend them.

5. Staff members of INFOSAMAK shall be appointed by the Director in accordance with the policy, general standards and guidelines laid down by the General Assembly. In appointing the staff of INFOSAMAK, the Director shall ensure the highest standards of efficiency, professional competence and integrity, and give preference to nationals of Member States.

6. The staff of INFOSAMAK shall be responsible to the Director. They shall not seek or receive instructions in regard to the performance of their duties from any authority external to INFOSAMAK. No staff member may be engaged in outside commercial activities relating to fishery resources exploitation, utilization and trade or in any other activity which may be incompatible with the independence, autonomy and integrity that their functions at INFOSAMAK require.

ARTICLE 14

Finances

1. The financial resources of the Centre shall be:

- (a) the annual contribution to the budget of the Centre to be paid by the Member States;
- (b) the admission fees and the annual fees to be paid by the Associate Members;
- (c) the revenue obtained from the provision of services against payment which include:
 - broker fees corresponding to a percentage of the income, for assistance in developing new marketing opportunities;
 - subscription to the Centre's publications;
 - sales of information;
 - paid advertisements in the Centre's publications;
 - consultancy fees for its technical services; and
 - revenues from conferences, meetings or fora sponsored by the Centre;
- (d) voluntary contributions of the Members;
- (e) subventions from States, international organizations and institutions;
- (f) donations and legacies, provided that acceptance of such donations and legacies is compatible with the objectives of the Centre;
- (g) such other resources that are approved by the General Assembly and are compatible with the objectives of the Centre.

2. Members undertake to pay annual contributions, admission fees, annual fees and any other sum due to the Centre in freely convertible currency.

3. Any Member of INFOSAMAK two years in arrears in the payment of the contributions or fees shall be suspended until such arrears have been paid in full.

4. Any Member continuing to fail in any of the obligations incumbent on it pursuant to this Constitution may be temporarily debarred from INFOSAMAK by decision of the General Assembly.

5. At each regular session, the General Assembly shall, by a two-thirds majority of the votes cast and representing not less than half of the Centre's Member States, approve the Budget of INFOSAMAK and determine the admission fees and the annual fees to be paid by the Associate Members, as well as the aggregate amount of contributions to be paid by the Member States, for the following biennium.

6. The General assembly shall establish a scale of contributions, approved by unanimous vote and taking into account the Gross National Product per capita, the total value of fish exports or imports and fish exports as a percentage of total exports of each Member State.

7. The Centre shall be operated having regard to generally accepted commercial principles. To this end, INFOSAMAK shall charge for the services it grants, at rates set by the General Assembly, with a view to the revenue thus derived covering the operating costs and administrative expenses of the Centre and replacement of operating assets.

ARTICLE 15

Observers

1. The Director, at the request of the General Assembly, shall invite non-Member States, as well as regional or worldwide organizations and institutions to attend meetings of the General Assembly, Technical Committee and subsidiary bodies of INFOSAMAK, in an observer capacity.

2. Any institution, whether public or private, national, regional or worldwide may, upon request in writing to the General Assembly, be authorized to attend meetings of the General Assembly, Technical Committee and subsidiary bodies of INFOSAMAK, in an observer capacity.

3. Observers shall have no right to vote and may take the floor only on matters relating to their own activities and at the invitation of the chairman of the meeting concerned.

ARTICLE 16

Agreements and Relations with States, international organizations and institutions

1. The General Assembly may approve any agreement or other arrangement it deems necessary with any State, international organization or institution.

2. There shall be a working relationship between INFOSAMAK and the Food and Agriculture Organization of the United Nations. To this end, INFOSAMAK shall enter into negotiations with the Food and Agriculture Organization of the United Nations with a view to concluding an agreement thereon. Such an agreement shall provide, *inter alia*, for the Director-General of the Food and Agriculture Organization of the United Nations to appoint a representative who will participate in all meetings of INFOSAMAK, but without the right to vote.

3. There shall be cooperation between INFOSAMAK and other international fisheries institutions which may contribute to the work of the Centre. INFOSAMAK may enter into agreements with such institutions.

ARTICLE 17

Bye-Laws and Special Rules

1. For the discharge of the functions of INFOSAMAK, as prescribed in this Constitution, the General Assembly shall adopt Bye-laws governing the following matters, in particular:

- (a) the rules of procedure of the General Assembly, the Technical Committee as well as of the subsidiary bodies established by the General Assembly;
- (b) the procedure for the election of the Chairman and the Vice-Chairmen of the General Assembly, as well as the procedure for the election of the members of the Technical Committee;
- (c) the procedure for the appointment of the Director of the Centre;
- (d) financial management;
- (e) audit procedures and the procedure for the appointment of an Auditor;
- (f) modalities of payment of the admission fees, the annual fees and the annual contributions of the Members.

2. The Bye-laws shall be supplemented with the Financial Regulations and the Staff Regulations as well as with special rules to be adopted by the General Assembly as the need arises and governing the following matters:

- (a) management of the staff of INFOSAMAK, including recruitment and promotion;
- (b) financial management to include such matters as the opening of a bank account, the preparation of accounts and financial statements and travel allowances;
- (c) procedures for entering into agreements and contracts with other institutions;
- (d) procedure for accepting donations.

ARTICLE 18

Amendments

1. The General Assembly may amend this Constitution by a two-third majority of the votes cast and representing no less than half of the Member States of INFOSAMAK.
2. Proposals for amendments to this Constitution may be made by any Member State of INFOSAMAK, by communication addressed to the Depositary. The Depositary shall immediately forward the proposal for amendment to all Members. No proposal for the amendment of this Constitution shall be placed on the agenda of the General Assembly unless the Depositary has brought it to the notice of the Members of INFOSAMAK at least 45 days prior to the opening session of the General Assembly.
3. Amendments shall take effect, with respect to Members, on the date chosen by the General Assembly at the moment of their adoption.

ARTICLE 19

Settlement of Disputes

Any dispute arising between Members of INFOSAMAK concerning the interpretation and application of the provisions of this Constitution, which has not been possible to settle by the parties concerned, shall be submitted to the General Assembly, whose decision shall be final.

ARTICLE 20

Withdrawal and Dissolution

1. Any Members may withdraw from INFOSAMAK one year following the date of joining by addressing the original and one copy of the notice of withdrawal to the Depositary. Withdrawal shall take effect one

year following the date of receipt of the written notice.

2. The Constitution of INFOSAMAK may be denounced and the dissolution of the Centre decided upon by a three-fourths majority of its Member States. In such a case the Chairman of the General Assembly shall immediately notify the decision to the Depositary.

3. As soon as possible after INFOSAMAK's dissolution and after all the obligations of INFOSAMAK have been met and any unused balance of any donated funds has been restored to the donor, its assets shall be distributed among the Members at the time of dissolution, in proportion to the annual contributions made in the year in which dissolution took effect. Should the assets of INFOSAMAK, exclusive of the balance of unused donated funds which shall be returned to the donors, be insufficient to meet INFOSAMAK's obligations, all the Members shall be responsible for the settlement of the outstanding obligations in the proportion aforementioned.

ARTICLE 21

Signature, Acceptance and Entry into Force

1. The Arab States may become parties to this Constitution by:

- (a) signature of this Constitution; or
- (b) deposit of an instrument of acceptance.

2. This Constitution shall be open for signature in Manama (Bahrain), on 24 June 1993, and thereafter, at the Headquarters of the Food and Agriculture Organization of the United Nations (FAO) in Rome.

3. Instruments of acceptance shall be deposited with the Director-General of FAO, who shall be the Depositary of the present Constitution.

4. This Constitution shall enter into force with respect to all States that have signed it or have accepted it, once it has been signed or accepted, by not less than half of the States, participating in the Constituent Assembly. Any other Arab State shall become a party to this Constitution on the date of its signature or of the deposit of its instrument of acceptance.

ARTICLE 22

Depositary

1. The Depositary shall:

- (a) send certified copies of this Constitution to the Governments of all Arab States and to any other government which so requests;
- (b) arrange for the registration of this Constitution, upon its entry into force, with the Secretariat of the United Nations in accordance with Article 102 of the charter of the United Nations; and
- (c) inform the Arab States of:
 - (i) the signature of the Constitution and the deposit of an instrument of acceptance in accordance with Article 21.1;
 - (ii) the date of entry into force of this Constitution in accordance with Article 21.4;
 - (iii) proposals for the amendment of this Constitution, and the adoption of amendments, in accordance with Article 18;
 - (iv) notices of withdrawal from the Centre in accordance with Article 20.1; and

(v) any notification received in accordance with Article 20.2.

2. The original of this Constitution shall be deposited in the archives of the Food and Agriculture Organization of the United Nations (FAO) in Rome.

ARTICLE 23

Annex

The Headquarters Agreement annexed hereto shall constitute an integral part of this Constitution.

Done in Manama, Bahrain, on 24 June 1993 in a single copy in the Arabic, English and French languages, each version being equally authoritative.

ANNEX TO THE CONSTITUTION HEADQUARTERS AGREEMENT

Recognition of the Centre for Marketing Information and Advisory Services for Fishery Products in the Arab Region (INFOSAMAK) and the granting of privileges and immunities by the Host State

INTRODUCTION

Pursuant to Article 4, paragraphs 2 and 4 of this Constitution, and without prejudice to paragraph 3 of Article 4, the present Annex relates to the additional rights and obligations of the Host State. It shall apply to the State referred to in Part B (the State of Bahrain) for as long as that State is the Host State.

PART A - GENERAL PROVISIONS

Section 1: Privileges, immunities and facilities accorded to INFOSAMAK

1. Without prejudice to Article 4, paragraphs 3 and 4 of this Constitution, the Host State undertakes to accord the following privileges, immunities and facilities to INFOSAMAK and to its property, funds and assets, wherever located in that State:

- (a) immunity from every form of legal process, except insofar as in any particular case INFOSAMAK has expressly waived immunity;
- (b) immunity from search, requisition, confiscation, expropriation and any other form of interference;
- (c) freedom to hold funds or currency of any kind, to operate accounts in any currency, to transfer funds or foreign currency within the Host State or abroad, and to convert any foreign currency into any other currency;
- (d) freedom, without prejudice to any appropriate security precautions determined by agreement between the Host State and INFOSAMAK, from censorship of official correspondence and other official communications;
- (e) exemption from all direct and indirect taxes on the property, income and official transactions of INFOSAMAK, except taxes that are no more than charges for services rendered;
- (f) exemption from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by INFOSAMAK, or on publications issued by INFOSAMAK, for official purposes.

2. The Host State shall exercise due diligence to ensure that the security and tranquillity of the premises of

INFOSAMAK are not in any way impaired and shall, at the request of the Director of INFOSAMAK, provide adequate police protection where necessary.

3. INFOSAMAK shall enjoy for its official communications treatment not less favourable than that accorded to any international organization or government, including the diplomatic missions of such other governments, in the Host State, in the matter of priorities and rates for mail, cables, telephone and other communications.

Section 2: Privileges, immunities and facilities accorded to official representatives, the Director, the Deputy Director and other staff of INFOSAMAK, experts and consultants

1. Without prejudice to Article 4, paragraph 3(b) of this Constitution, the Host State undertakes to accord the following privileges, immunities and facilities:

(a) to the representatives of any Member State or Associate Member of INFOSAMAK and of any international organization or institution with respect to the performance of their official duties in connection with the work of INFOSAMAK:

(i) immunity from personal arrest or detention except in the case of flagrancy, and from seizure of their personal baggage and, in respect of words spoken or written and all acts done by them in their official capacity, immunity from legal process of any kind;

(ii) inviolability for all papers and documents;

(iii) exemption in respect of themselves and their spouses from immigration restrictions, alien registration or national service obligations;

(iv) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;

(b) to the Director, the Deputy Director and other staff, experts and consultants of INFOSAMAK:

(i) immunity from legal process in respect of words spoken or written and all acts done by them in their official capacity;

(ii) exemption from taxation on the salaries and emoluments paid to them by INFOSAMAK;

(iii) immunity, together with their spouses and dependants, from immigration restrictions and alien registration;

(iv) together with their spouses and dependants, the same repatriation facilities in time of crisis as officials of comparable rank of diplomatic missions;

(v) provided that they are not nationals of the Host State, the right to import free of duty their furniture and effects, including one car, at the time of first taking up their post in INFOSAMAK, as well as replacement of such furniture and effects, including a car, at such intervals as may be agreed upon by INFOSAMAK and the Government of the Host State.

2. In addition to the privileges and immunities referred to in paragraph 1, the Director, the Deputy Director and other staff, experts and consultants of INFOSAMAK, provided that they are not nationals of the Host State, shall be granted the same privileges in respect of exchange facilities as are accorded to officials of comparable rank of diplomatic missions.

3. Subject to the application of measures for the maintenance of public health and security, agreed upon between the Host State and INFOSAMAK, the Host State shall impose no impediment on the entry into, sojourn in and departure from its territory of the representatives of Member States or Associate Members of INFOSAMAK and of international organizations or institutions referred to in paragraph 1(a), and their spouses, or of the Director, the Deputy Director and other staff, experts and consultants of INFOSAMAK, and their spouses and dependants, or of any person visiting INFOSAMAK in connection with its work.

4. Any visa required for any person referred to in paragraph 3 shall be granted or extended promptly and without charge.

Section 3: Enforcement of the law of the Host State

INFOSAMAK shall cooperate with the appropriate authorities of the Host State to facilitate the proper administration of justice, secure the observance of police regulations, and prevent the occurrence of any abuses in connection with the privileges, immunities and facilities conferred pursuant to Article 4, paragraph 3 of this Constitution or to the present Annex. INFOSAMAK shall promptly examine requests for a waiver of immunity made by the Host State.

Section 4: Amendment of this Part

1. Subject to paragraph 2, the present Part A of this Annex may be amended in the manner set out in Article 18 of this Constitution.

2. Notwithstanding any other provision of this Constitution, including the present Annex, no amendment to this Part may be adopted unless the Host State has expressly consented thereto.

PART B - SPECIFIC PROVISIONS CONCERNING THE STATE OF BAHRAIN

Section 1: Premises of INFOSAMAK and related facilities

1. The seat of INFOSAMAK shall be located in Manama.

2. In fulfilment of its obligations in accordance with Article 4, paragraph 2 of the Constitution, the State of Bahrain undertakes to arrange for:

(a) provision to INFOSAMAK for its exclusive use appropriately furnished premises with an area of 2,500 sq. metres adapted to the needs of the Centre;

(b) responsibility for maintenance costs and provision of electricity and water needed for the use of the premises;

(c) provision to INFOSAMAK of equipment, fax, telex, telephone and administrative support facilities;

(d) provision to INFOSAMAK of three full-time support and technical staff.

3. At the request of INFOSAMAK, the State of Bahrain shall undertake at its own expense all necessary repairs to the premises referred to in paragraph 2(a) with the exception of those which can be considered as day-to-day maintenance of the said premises.

Section 2: Privileges, immunities and facilities

1. The taxes referred to in Section 1, paragraph 1(e), of Part A shall include customs duties and dues on motor vehicles, furniture and equipment. Likewise, legacies and donations, including anything considered necessary by INFOSAMAK for its establishment or for attaining its objectives, shall also be exempt from such taxes and dues.

2. Any funds or property transferred by INFOSAMAK, for educational or scientific purposes, to any natural person or to any nonprofit organization shall be exempt from the payment of taxes by such person or organization.

3. Staff members of INFOSAMAK, including the Director, shall, provided that they are not nationals of the State of Bahrain be permitted to maintain assets outside the State of Bahrain and be exempt from any form of taxation on income derived from sources outside the State of Bahrain or on property outside the State of Bahrain. They shall furthermore be exempt from national service obligations.

4. The State of Bahrain shall adopt the legislation necessary to give effect to the legal capacity of

INFOSAMAK and to the privileges, immunities and facilities referred to in this Constitution, including the present Annex.

Section 3: Amendment of this Part

1. Subject to paragraph 2, the present Part B of this Annex may be amended in the manner set out in Article 18 of this Constitution.

2. Notwithstanding any other provision of this Constitution, including the present Annex, no amendment to this Part may be adopted unless the State of Bahrain has expressly consented thereto.

ANNEX II TO THE FINAL ACT

RESOLUTION 1

THE CONSTITUENT ASSEMBLY OF THE CENTRE FOR MARKETING INFORMATION AND ADVISORY SERVICES FOR FISHERY PRODUCTS IN THE ARAB REGION (INFOSAMAK),

Having adopted the Constitution of the Centre for Marketing Information and Advisory Services for fishery products in the Arab region (INFOSAMAK);

Being aware of the need to implement the provisions of the Constitution immediately upon termination of the INFOSAMAK project;

Being further aware of the special efforts made by the United Nations Development Programme (UNDP) and by the Food and Agriculture Organization of the United Nations (FAO) in favour of the INFOSAMAK project;

Taking into consideration the difficulties that will be encountered during the start up period of the Centre for Marketing Information and Advisory Services for fishery products in the Arab Region (INFOSAMAK);

Being equally aware of the experience gained by FAO in establishing similar institutions in other regions;

Recommends:

(a) that FAO shall, during the transitional period following immediately the entering into force of the Constitution, take all necessary steps for the effective establishment of the Centre for Marketing Information and Advisory Services for Fishery Products in the Arab Region (INFOSAMAK).

(b) that FAO, in cooperation with States, intergovernmental organizations or other institutions take an active part in the operational stage of the Centre and provide it with full support, including by seconding the Director of the Centre.

ANNEX III TO THE FINAL ACT

RESOLUTION 2

THE CONSTITUENT ASSEMBLY OF THE CENTRE FOR MARKETING INFORMATION AND ADVISORY SERVICES FOR FISHERY PRODUCTS IN THE ARAB REGION (INFOSAMAK),

Having adopted the Constitution of the Centre for Marketing Information and Advisory Services for Fishery Products in the Arab Region (INFOSAMAK) and the Headquarters Agreement attached thereto;

Taking into consideration the fact that the Constitution of INFOSAMAK entered into force on the 24 June 1993;

Being aware of the need for the Ministry of Foreign Affairs to have the Headquarters Agreement examined

by the Ministry of Legal Affairs before signature;

Recommends that the Government of the State of Bahrain initiate the procedures required to have the Headquarters Agreement for INFOSAMAK in force and implemented as soon as possible.
