

---

# AGREEMENT FOR THE ESTABLISHMENT OF THE REGIONAL COMMISSION FOR FISHERIES

---

## PREAMBLE

The Government of the State of Bahrain,

The Government of the Islamic Republic of Iran,

The Government of the Republic of Iraq,

The Government of the State of Kuwait,

The Government of the Sultanate of Oman,

The Government of the State of Qatar,

The Government of the Kingdom of Saudi Arabia,

The Government of the United Arab Emirates

**Taking account** of the relevant provisions of the United Nations Convention on the Law of the Sea which entered into force on 16 November 1994 (hereafter referred to as the United Nations Convention) and which requires all members of the international community to cooperate in the conservation and management of the living marine resources,

**Noting** the objectives and purposes stated in Chapter 17 of Agenda 21 adopted by the United Nations Conference on Environment and Development in 1992 and the Code of Conduct for Responsible Fisheries adopted by the FAO Conference in 1995,

**Noting** also that other international instruments have been negotiated concerning the conservation and management of certain fish stocks,

**Having a mutual interest** in the development and proper utilization of the living marine resources in the sea area, with the exception of internal waters, in the region defined in Article IV, hereinafter referred to as "the Area", and desiring to further the attainment of their objectives through international cooperation which would be furthered by the establishment of a Fisheries Commission,

**Recognizing** the importance of fisheries conservation and management in the Area and of promoting cooperation to that effect,

**Agree as follows:**

## ARTICLE I The Commission

1. The Contracting Parties hereby establish within the framework of the Food and Agriculture Organization of the United Nations (hereinafter referred to as "the Organization") a Commission to be known as "The Regional Commission for Fisheries (RECOFI)" (hereinafter referred to as "RECOFI" or "the Commission"), for the purpose of exercising the functions and discharging the responsibilities set forth in Article III below.

2. Membership in RECOFI shall be open to Members and Associate Members of the Organization and such non-member States of the Organization as are Members of the United Nations, or any of its Specialized Agencies or the International Atomic Energy Agency that are coastal States or Associate Members which territories are situated wholly or partly within the

Area defined in Article IV, that accept this Agreement in accordance with the provisions of Article XIII.

3. As regards Associate Members, this Agreement shall, in accordance with the provisions of Article XIV-5 of the FAO Constitution and Rule XXI-3 of the General Rules of the Organization, be submitted by the Organization to the authority having responsibility for the international relations of such Associate Members.

## **ARTICLE II**

### **Organization**

1. Each Member shall be represented at sessions of the Commission by one delegate, who may be accompanied by an alternate and by experts and advisers. Participation in meetings of the Commission by alternates, experts, and advisers shall not entail the right to vote, except in the case of an alternate who is acting in the place of a delegate during his absence.

2. Each Member shall have one vote. Decisions of the Commission shall be taken by a majority of the votes cast, except as otherwise provided by this Agreement. A majority of the total membership of the Commission shall constitute a quorum.

3. The Commission shall elect a Chairperson and two Vice-Chairpersons.

4. The Chairperson of the Commission shall normally convene a regular session of the Commission every year unless otherwise directed by a majority of the Members. The site and date of all sessions shall be determined by the Commission in consultation with the Director-General of the Organization.

5. The seat of RECOFI shall be at the seat of the FAO Regional Office for the Near East in Cairo. However, RECOFI, after consultation with the Director-General of the Organization, may decide to choose, at its own expense, another location within the Area.

6. The Organization shall provide the Secretariat of the Commission and the Director-General shall appoint its Secretary, who shall be administratively responsible to him.

7. The Commission may, by a two-thirds majority of its membership, adopt and amend its own Rules of Procedure provided that such Rules of Procedure or the amendments thereto are not inconsistent with this Agreement or with the Constitution of the Organization.

8. The Commission may, by a two-thirds majority of its membership, adopt and amend its own Financial Regulations, provided that such Regulations shall be consistent with the principles embodied in the Financial Regulations of the Organization. Such Regulations shall be reported to the Finance Committee of the Organization which shall have the power to disallow such Financial Regulations or amendment if it finds that they are inconsistent with the principles embodied in the Financial Regulations of the Organization.

## **ARTICLE III**

### **Functions**

1. The purpose of RECOFI shall be to promote the development, conservation, rational management and best utilization of living marine resources, as well as the sustainable development of aquaculture in the Area, and to these ends it shall have the following functions and responsibilities:

(a) to keep under review the state of these resources, including their abundance and the level of their exploitation, as well as the state of the fisheries based thereon;

(b) to formulate and recommend, in accordance with the provisions of Article V, appropriate measures:

(i) for the conservation and rational management of living marine resources, including measures:

- regulating fishing methods and fishing gear,
- prescribing the minimum size for individuals of specified species,
- establishing open and closed fishing seasons and areas,
- regulating the amount of total catch and of fishing effort and their allocation among Members,

(ii) for the implementation of these recommendations;

(c) to keep under review the economic and social aspects of the fishing industry and recommend any measures aimed at its development;

(d) to encourage, recommend, coordinate and, as appropriate, undertake training and extension activities in all aspects of fisheries;

(e) to encourage, recommend, coordinate and, as appropriate, undertake research and development activities, including cooperative projects in the areas of fisheries and the protection of living marine resources;

(f) to assemble, publish or disseminate information regarding exploitable living marine resources and fisheries based on these resources;

(g) to promote programmes for aquaculture and fisheries enhancement;

(h) to carry out such other activities as may be necessary for RECOFI to achieve its purpose as defined above.

2. When formulating and recommending measures under paragraph 1b) above, the Commission shall apply the precautionary approach to conservation and management decisions, and take into account also the best scientific evidence available and the need to promote the development and proper utilisation of the marine living resources.

## **ARTICLE IV**

### **Area**

The Commission shall carry out the functions and responsibilities set forth in Article III in the region bounded in the south by the following rhumb lines: from Ras Dhabat Ali in (16° 39'N, 53° 3'30"E) then to a position in (16° 00'N, 53° 25'E) then to a position in (17° 00'N, 56° 30'E) then to a position in (20° 30'N, 60° 00'E) then to Ras Al-Fasteh in (25° 04'N, 61° 25'E).

## **ARTICLE V**

### **Recommendations on Management Measures**

1. The recommendations referred to in Article III, paragraph 1 b), shall be adopted by a two-thirds majority of Members of the Commission present and voting. The text of such recommendations shall be communicated by the Chairperson of the Commission to each Member.

2. Subject to the provisions of this Article, the Members of the Commission undertake to give effect to any recommendations made by the Commission under Article III, paragraph 1b), from the date determined by the Commission, which shall not be before the period for objection provided for in this Article has elapsed.

3. Any Member of the Commission may within one hundred and twenty days from the date of notification of a recommendation object to it and in that event shall not be under obligation to give effect to that recommendation. A Member may at any time withdraw its objection and give effect to a recommendation.

4. The Chairperson of the Commission shall notify each Member immediately upon receipt of each objection or withdrawal of objection.

## **ARTICLE VI**

### **Reports**

The Commission shall transmit, after each session, to the Director-General of the Organization, a report embodying its views, recommendations and decisions, and make such other reports to the Director-General of the Organization as it may deem necessary or desirable. Reports of the committees and working groups of the Commission provided for in Article VII of the Agreement shall be transmitted to the Director-General of the Organization through the Commission.

## **ARTICLE VII**

### **Committees, Working Groups and Specialists**

1. The Commission may establish temporary, special or standing committees to study and report on matters pertaining to the purposes of the Commission and working groups to study and recommend on specific technical problems.

2. The committees and working groups referred to in paragraph 1 above shall be convened by the Chairperson of the Commission at such times and places as are determined by the Chairperson in consultation with the Director-General of the Organization, as appropriate.

3. The establishment of committees and working groups referred to in paragraph 1 above and the recruitment or appointment of specialists shall be subject to the availability of the necessary funds in the relevant chapter of the approved budget of the Commission. Before taking any decision involving expenditures in connection with the establishment of committees and working groups and the recruitment or appointment of specialists, the Commission shall have before it a report from the Secretary of the Commission on the administrative and financial implications thereof.

## **ARTICLE VIII**

### **Cooperation with International Organizations**

The Commission shall cooperate closely with other international organizations in matters of mutual interest. On the proposal of the Secretary of the Commission, observers of these organizations may be invited by the Commission to attend sessions of the Commission or meetings of the committees or working groups.

## **ARTICLE IX**

### **Finances**

1. Each Member of the Commission undertakes to pay annually its share of the budget for cooperative activities, in accordance with a scale of contributions to be adopted by the Commission.

2. At each regular session, the Commission shall adopt its budget by consensus of its Members, provided however that if, after every effort has been made, a consensus cannot be

reached in the course of that session, the matter will be put to a vote and the budget shall be adopted by a two-thirds majority of its Members.

3. (a) The amount of the contribution of each Member of the Commission shall be determined in accordance with a scheme which the Commission shall adopt and amend by consensus.

(b) The scheme adopted or amended by the Commission shall be set out in the Financial Regulations of the Commission.

4. Contributions shall be payable in freely convertible currencies unless otherwise determined by the Commission with the concurrence of the Director-General of the Organization.

5. The Commission may also accept donations and other forms of assistance from organizations, individuals and other sources for purposes connected with the fulfilment of any of its functions.

6. Contributions and donations and other forms of assistance received shall be placed in a Trust Fund administered by the Director-General of the Organization in conformity with the Financial Regulations of the Organization.

7. A Member of the Commission which is in arrears in the payment of its financial contributions to the Commission shall have no vote in the Commission if the amount of its arrears equals or exceeds the amount of the contributions due from it for the two preceding calendar years. The Commission may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay was due to conditions beyond the control of the Member but in no case shall it extend the right to vote beyond a further two calendar years.

## **ARTICLE X**

### **Expenses**

1. Expenses incurred by delegates, their alternates, experts and advisers when attending, as government representatives, sessions of the Commission, its committees and working groups, as well as the expenses incurred by observers at sessions, shall be borne by the respective governments or organizations. The expenses of experts invited by the Commission to attend, in their individual capacity, meetings of the Commission, its committees or working groups shall be borne by the budget of the Commission.

2. The expenses for publications and communications and the expenses incurred by the Chairperson and Vice-Chairpersons of the Commission, when performing duties on behalf of the Commission between Commission sessions, shall be determined and paid from the budget of the Commission.

3. The expenses of research and development projects undertaken by individual Members of the Commission, whether independently or upon recommendation of the Commission, shall be determined and paid by the Members concerned.

4. The expenses incurred in connection with cooperative research or development projects undertaken in accordance with the provisions of Article III, paragraph 1 e), unless otherwise available shall be determined and paid by the Members in the form and proportion to which they shall mutually agree. Contributions for cooperative projects shall be paid into a Trust Fund to be established by the Organization and shall be administered by the Organization in accordance with the Financial Regulations and Rules of the Organization.

5. The Commission may accept voluntary contributions generally or in connection with specific projects or activities of the Commission. Such contributions shall be paid into a Trust Fund to be established by the Organization. The acceptance of such voluntary contributions and the administration of the Trust Fund shall be in accordance with the Financial Regulations and Rules of the Organization.

## **ARTICLE XI**

### **Administration**

1. The Secretary of the Commission (hereinafter referred to as "the Secretary") shall be appointed by the Director-General of the Organization.
2. The Secretary shall be responsible for implementing the policies and activities of the Commission and shall report thereon to the Commission. The Secretary shall also act as Secretary to other subsidiary bodies established by the Commission, as required.
3. The expenses of the Commission shall be paid out of its budget except those relating to such staff and facilities as can be made available by the Organization. The expenses to be borne by the Organization shall be determined and paid within the limits of the biennial budget prepared by the Director-General and approved by the Conference of the Organization in accordance with the General Rules and the Financial Regulations of the Organization.

## **ARTICLE XII**

### **Amendments**

The Commission may amend this Agreement by a two-thirds majority of its Members. Amendments to this Agreement shall be reported to the Council of the Organization, which shall have the power to disallow them if it finds that such amendments are inconsistent with the objectives and purposes of the Organization or the provisions of the Constitution of the Organization. If the Council considers it desirable, it may refer these amendments to the Conference of the Organization, which shall have the same power. However, any amendment involving new obligations for Members shall come into force with respect to each Member only on formal acceptance of it by that Member, through an instrument of acceptance deposited with the Director-General of the Organization, after two-thirds of the contracting Parties have accepted the amendment concerned. The Director-General shall inform all the Members of the Commission, all Members and Associate Members of FAO, as well as the Secretary-General of the United Nations, of the receipt of instruments of acceptance and of the entry into force of such amendments. The rights and obligations of any Member of the Commission that has not accepted an amendment involving additional obligations shall continue to be governed by the provisions of this Agreement as they stood prior to the amendment.

## **ARTICLE XIII**

### **Acceptance**

1. In accordance with Article I.2, this Agreement shall be open to acceptance by Members and Associate Members of the Organization as well as by non-member States of the Organization that are coastal States or Associate Members whose territories are situated wholly or partly within the Area defined in Article IV.
2. Acceptance of this Agreement by any Member or Associate Member of the Organization that is a coastal State or Associate member whose territories are situated wholly or partly within the Area defined in Article IV, shall be effected by the deposit of an instrument of acceptance with the Director-General of the Organization, the depositary of this Agreement, and shall take effect on receipt of such instrument by the Director-General.
3. The Director-General of the Organization shall immediately inform all Members of the Commission, all Members and Associate Members of the Organization and the Secretary-General of the United Nations of all acceptances that have become effective.

4. Acceptance of this Agreement may be made subject to reservations in accordance with the general rules of public international law as reflected in the provisions of Part II, Section 2 of the Vienna Convention on the Law of Treaties of 1969.

#### **ARTICLE XIV**

##### **Entry into force**

This Agreement shall enter into force as from the date of receipt by the Director-General of the third instrument of acceptance.

#### **ARTICLE XV**

##### **Withdrawal**

1. Any Member may withdraw from this Agreement at any time after the expiration of two years from the date upon which the Agreement entered into force with respect to that Member, by giving written notice of such withdrawal to the Director-General of the Organization who shall immediately inform all the Members of the Commission and the Members of the Organization of such withdrawal. Notice of withdrawal shall become effective three months from the date of its receipt by the Director-General of the Organization.

2. Any Member of the Commission that gives notice of withdrawal from the Organization shall be deemed to have simultaneously withdrawn from the Commission.

#### **ARTICLE XVI**

##### **Interpretation and Settlement of Disputes**

Any dispute regarding the interpretation or application of this Agreement, if not settled by the Commission, shall be referred to a committee composed of one member appointed by each of the parties to the dispute, and in addition an independent chairperson chosen by the members of the committee. The recommendations of such a committee, while not binding in character, shall become the basis for renewed consideration by the parties concerned of the matter out of which the disagreement arose. If, as the result of this procedure, the dispute is not settled, it shall be referred to the International Court of Justice in accordance with the Statute of the Court, unless the parties to the dispute agree to another method of settlement.

#### **ARTICLE XVII**

##### **Termination**

This Agreement shall be automatically terminated if and when, as the result of withdrawals, the number of Members of the Commission drops below three.

#### **ARTICLE XVIII**

##### **Certification and Registration**

Two copies in the Arabic, English, French and Spanish languages of this Agreement and of any amendments to this Agreement shall be certified by the Chairman of the Commission and by the Director-General of the Organization. One of these copies shall be deposited in the archives of the Organization. The other copy shall be transmitted to the Secretary-General of the United Nations for registration. In addition, the Director-General shall certify copies of this Agreement and transmit one copy to each Member and Associate Member of the Organization.