



**COMMISSION SOUS-RÉGIONALE DES PÊCHES
SUB-REGIONAL FISHERIES COMMISSION**

PERMANENT SECRETARIAT

**CONVENTION
ON THE DETERMINATION OF THE MINIMAL CONDITIONS FOR ACCESS AND
EXPLOITATION OF MARINE RESOURCES WITHIN THE MARITIME AREAS UNDER
JURISDICTION OF THE MEMBER STATES OF THE SUB-REGIONAL FISHERIES
COMMISSION (SRFC)**

June 2012

Convention on the Determination of the Minimal Conditions for Access and Exploitation of Marine Resources within the maritime areas under jurisdiction of the Member States of the Sub-Regional Fisheries Commission (SRFC)

CONTENT

PART I : GENERAL PROVISIONS	5
Article 1: Objective.....	5
Article 2: Definitions	5
PART II: ACCESS TO FISHERIES RESOURCES	7
Article 3: Authorization of access to surplus resources	7
Article 4: Obligatory landing	7
1. Article 4 : De l'obligation de débarquement des captures	7
PART III: CONDITIONS OF CONSERVATION AND MANAGEMENT OF THE RESOURCE.....	8
Sub-part 1: Common Provisions.....	8
Article 5: Principle of the fishing license.....	8
Article 6: Application for fishing licenses	8
Article 7: Conditions for the issuance of fishing licenses	8
Article 8: Validity period of fishing licenses.....	8
Article 10: Data and information on fisheries operations	9
Article 11: Minimum mesh size of fishing nets and other fishing gears	9
Article 12: Prohibition.....	10
Article 13: Registration, marking and identification of industrial fishing vessels	10
Article 14: Declaration of entry and exit from the maritime area under jurisdiction of a Member State	10
Article 15: Fishing vessels on innocent or transit passage	10
Article 16: Boarding of observers	11
Article 17: Boarding of local sailors.....	11
Article 18: Compliance with international conventions on maritime security and protection of marine environment.....	11
Article 19: Register of fishing vessels	11
 Sub-part II: Special provisions applicable to artisanal fisheries	12
 Article 20: Characterization and definition of artisanal fisheries	12
 Article 21: Registration, identification and marking of artisanal fishing vessels.....	12
 Article 22: Safety at sea in the artisanal fisheries	12
 Article 23: Regulation of access to artisanal fishing	12
 Article 24: Protection of artisanal fisheries through the MCS systems	12








PART IV: PORT STATE MEASURES AND THE FIGHT AGAINST ILLEGAL, UNREPORTED AND UNREGULATED (IUU) FISHING.....	13
Article 25: Strengthening the fight against IUU fishing	13
Article 26: Designation of ports authorized to receive third State party fishing vessels.....	13
Article 27: Information to be provided by third State party fishing vessels before arrival at port	13
Article 28: Information to be provided by vessels engaged in related activities before arrival at port ...	14
Article 29: Refusal of entry, landing, transshipment and other services to vessels engaged in IUU fishing.....	14
Article 30: Fishing activities outside the maritime area under jurisdiction of the flag State.....	14
PART V: INFRINGEMENTS AND PENALTIES.....	15
Article 31: Infringements and penalties.....	15
Article 32: Repetition of infringements	16
PART VI: FINAL PROVISIONS.....	16
Article 33: Submissions of matters to the International Tribunal for the Law of the Sea for Advisory Opinion.....	16
Article 34: Settlement of disputes.....	16
Article 35: Implementation Protocols.....	16
Article 36: Annexes.....	16
Article 37: Review of the Convention.....	17
Article 38: Denunciation	17
39: Signing of the Convention	17
Article 40: Entry into force.....	17
Article 41: Repeal of contrary past texts.....	17

The bottom of the page contains several handwritten signatures and initials. On the right side, there is a large signature that appears to be 'Jed'. Below it, there are several other initials and signatures, including what looks like 'V', 'M', and 'FLA'. There is also a small mark on the left side that looks like a stylized 'A' or 'E'.

Convention on the Determination of the Minimum Conditions for Access and Exploitation of Marine Resources within the Maritime Zones under jurisdiction of the Member States of the Sub Regional Fisheries Commission (SRFC)

The Government of the Republic of Cape Verde, the Government of the Republic of The Gambia, the Government of the Republic of Guinea, the Government of the Republic of Guinea Bissau, the Government of the Islamic Republic of Mauritania, the Government of the Republic of Senegal, the Government of the Republic of Sierra Leone ;

Considering the United Nations Convention on the Law of the Sea signed in Montego Bay on 10 December 1982, especially its provisions calling for the signing of regional and sub-regional cooperation agreements in the fisheries sector as well the other relevant international treaties;

Reaffirming their commitment in support of the principles and standards stipulated in the FAO Code of Conduct for responsible fishing;

Recalling their will to implement the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated fishing endorsed in 2001 by the Council of the United Nations Food and Agriculture Organization (FAO);

Aware of the need to implement the international provisions on maritime safety and the preservation of the marine environment enacted by the International Maritime Organization (IMO);

Considering the Convention of 29 March 1985 on the establishment of the SRFC as amended in 1993 especially its provisions aimed at strengthening cooperation among SRFC Member States ;

Considering that the Convention of 14 July 1993 on the Determination of Conditions For Access and Exploitation of Marine Resources Off the coasts of SRFC Member States, has significantly contributed towards the harmonization of the fisheries policies and legislations of the States in the sub - region ;

Desirous of adapting the Convention of 14 July 1993 to the technical and legal changes that have taken place since its adoption, in particular with regards to the determination of conditions defining responsible fishing, the taking into account the ecosystem-based approach to fisheries for a sustainable management of resources, and the fight against illegal, unreported and unregulated fishing, in accordance with international law ;

Aware of the need to incorporate in their national legislations the provisions of the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, approved by the FAO Conference in Rome in November 2009 ;

Desirous of ensuring that their policies and legislations are more effectively harmonized with a view to a better exploitation of fisheries resources in the maritime zones under their respective jurisdictions, for the benefit of current and future generations ;

Desirous of enhancing the socio-economic benefits arising from fishing to the countries and communities within the SRFC; by respecting the environment and by encouraging the practices of responsible fishing;

SB

A

W

IS

FLD

Bel

Convinced of the need for SRFC conditions for the integration at sub-regional level of the policies and strategies of Member States, with a view to ensuring the preservation, management and sustainable exploitation of their fisheries resources;

Have agreed as follows:

PART 1 : GENERAL PROVISIONS

Article 1: Objective

1. The objective of the present Convention is to review the provisions of the Convention of 14 July 1993 on the Determination of Conditions for Access and Exploitation of Marine Resources off the coasts of the Member States of the SRFC.
2. The present Convention is applicable to the maritime area under jurisdiction of the SRFC Member States.

Article 2: Definitions

For the purpose of the present Convention:

1. Ecosystem-based Approach to Fisheries or Ecosystem Approach:

The ecosystem-based approach to fisheries is a means of ensuring the sustainable development of the fisheries sector. It is based on current fisheries management practices and explicitly acknowledges the interdependence between human well-being and that of the ecosystem. This approach places particular emphasis on the need to maintain the ecosystem in a good state and improve its productivity so that the level of fisheries production is maintained or improved for the benefit of current and future generations.

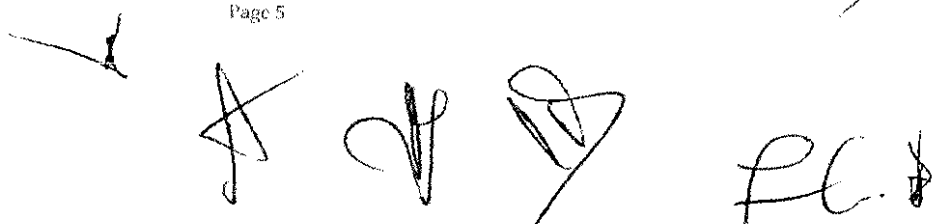
2. Precautionary Approach: When it comes to fisheries management, the precautionary approach or principle is based on the premise that the absence of relevant scientific data on fisheries should not be a pretext for failure to adopt or to postpone adoption of fisheries management measures aimed at preserving targeted and untargeted species as well as associated or dependant species and their environment.

3. Fishing Authorization: means the attestation issued by the local authorities in charge of fisheries to enable vessels carry out fishing activities in a given zone and in line with specific conditions in an administrative act .

4. Illegal, unreported and unregulated fishing or IUU fishing

4.1 «Illegal fishing»: fishing activities :

- conducted by national or foreign vessels in waters under the jurisdiction of a State, without the permission of that State, or in contravention of its laws and regulations;
- conducted by vessels flying the flag of States that are parties to a relevant regional fisheries management organization but operate in contravention of the conservation and

The bottom of the page features several handwritten signatures and initials. On the right side, there is a large, stylized signature. Below it, there are four smaller, distinct signatures or initials, and further down on the right, the letters 'F.C.' followed by a small symbol.

management measures adopted by that organization and by which the States are bound, or relevant provisions of the applicable international law; or

- in violation of national laws or international obligations, including those undertaken by cooperating States to a relevant regional fisheries management organization.

4.2 «Unreported fishing»: fishing activities :

- which have not been reported, or have been misreported, to the relevant national authority, in contravention of national laws and regulations; or
- undertaken in the area of competence of a relevant regional fisheries management organization which have not been reported or have been misreported, in contravention of the reporting procedures of that organization.

4.3 «Unregulated fishing»: fishing activities

- in the area of application of a relevant regional fisheries management organization that are conducted by vessels without nationality, or by those flying the flag of a State not party to that organization, or by a fishing entity, in a manner that is not consistent with or contravenes the conservation and management measures of that organization; or
- in areas or for fish stocks in relation to which there are no applicable conservation or management measures and where such fishing activities are conducted in a manner inconsistent with State responsibilities for the conservation of living marine resources under international law.

5. Conservation and management measures: measures aimed at conserving and managing marine biological resources and adopted and applied in a manner that is compatible with the relevant rules of international law, including those stipulated in the present Convention.

6. Fishing vessels : Any vessel that is used for fishing or for that purpose including support vessels, commercial vessels, and any other vessel participating directly in fishing activities.

7. Support/Feeder vessels: vessels which supply logistics (fuel, food and spare parts ...) to fishing vessels and serve as storage space for fishing products. They are also used to support flotilla of artisanal fishing vessels which carry out fishing activities on behalf of a ship owner.

8. Support vessels means vessels which transport fuel and food for ships carrying out fishing activities.

9. Fishing vessels belonging to non-Member States or third Party States: fishing vessels operating under the flag of a State which is not a member of the SRFC or all vessels without nationality.

10. Factory vessels: vessels which can process, package and conserve fishing products caught on board or by a flotilla of vessels.

11. *SRFC zone*: area covered by the maritime areas under the jurisdiction of the Member States of the SRFC.

12. *Shared stocks*: stocks occurring within the exclusive economic zones of two or more coastal states or both within the exclusive economic zone and in an area beyond and adjacent to it.

PART II: ACCESS TO FISHERIES RESOURCES

Article 3: Authorization of access to surplus resources

1. Any Member State may, in conformity with international law, authorize access by fishing vessels belonging to non-Member States to the allowable surplus of resources in the maritime areas under its jurisdiction through agreements and other arrangements.

2. The duration of access shall be determined after receiving technical advice from the research institutions of the Member States.

3. In any event, the said agreements or other arrangements shall contain clauses on the adaptation to the allowed fishing effort according to the availability of resource, and in line with the principles of precautionary and the ecosystem-based approach.

4. Similarly, the agreements and other arrangements shall take into account the legitimate interests in particular those of the local fishermen and communities which survive exclusively or mainly on fishing.

Article 4: Obligatory landing

1. Article 4 : De l'obligation de débarquement des captures

1. The vessels of third States have the obligation to land all their catches in the ports of the Member State that delivered the fishing license.

2. Otherwise, appropriate measures can be taken depending on specific conditions prevailing in the Member State.

~~3. The obligatory landing is premised on the need to contribute to the supply of fisheries products to the populations and the processing units. Member States shall take appropriate incentives in order to facilitate and encourage the landing of their catches in their ports.~~

4. Unless exemption is granted, transshipments of catches shall only be allowed in harbors and roadsteads designated by Member States in cases provided for in the national legislation of the Member State.



PART III: CONDITIONS OF CONSERVATION AND MANAGEMENT OF THE RESOURCE

Sub-part 1: Common Provisions

Article 5: Principle of the fishing license

Access to the fisheries resources of the maritime areas under jurisdiction of a Member State shall be dependent upon obtaining beforehand a fishing license issued by the State in question.

Article 6: Application for fishing licenses

1. For access to fisheries resources, applications for licenses shall be submitted by individuals or corporate entities in conformity with the national legislation or the provisions stipulated in the negotiated agreements or other arrangements.
2. Applications for licenses for industrial fishing vessels shall contain the basic information stipulated in *Annex I (A)* to the present Convention, without prejudice to the additional information required by national legislations.
3. Applications for licenses for artisanal fishing vessels shall contain the basic information stipulated in *Annex I (B)* of the present Convention, without prejudice to the additional information required by national legislations.

Article 7: Conditions for the issuance of fishing licenses

1. Fishing licenses shall be issued to vessels operating within the framework of an agreement or any other type of arrangement after confirmation that the relevant institution of the State in question adheres to the regulation on the registration and marking of vessels in force in the said State.
2. Fishing licenses shall not be issued as long as the conditions required by the said regulation are not adhered to by the applicants.
3. Licenses for industrial fishing vessels and artisanal fishing vessels shall contain the basic information stipulated in *Annexes II(A) and II(B)* respectively of the present Convention, without prejudice to the additional information required by national legislations.
- ~~4. In order to be issued licenses, industrial fishing vessels shall be equipped with a vessel monitoring device.~~
5. Factory vessels, support vessels and reefers must be regulated.
6. The original fishing license shall be kept on board the fishing vessel at all times.

Article 8: Validity period of fishing licenses

1. The validity period of fishing licenses shall vary according to the fisheries policy guidelines of the Member States or the characteristics of their fisheries sector.

Handwritten signatures and initials are present at the bottom of the page, including a large signature on the right and several smaller ones below.

2. In order to have a better knowledge of the catches taken from the maritime areas under jurisdiction of Member States and to ensure that the populations shall have access to regular supplies of fishing products, the validity period shall take into account the imperatives of a responsible and sustainable management of fisheries resources

Article 9: Fisheries management

1. In giving access to fishing vessels, the Member States shall take into account their national management and conservation measures and policies in relation to:

- the regulation of fishing zones and fishing periods, and if necessary the establishment of closed seasons and /or marine protected areas ;
- the protection of endangered and juvenile species ;
- the limitation of by-catches and the control of discards ;
- the respect of the provisions relating to fishing gears, and the minimum sizes and weights used in the SRFC zone ;
- the regulation of fishing effort ;
- any other relevant data or information.

2. Member States shall give priority to the establishment of concerted fisheries management plans for shared stocks.

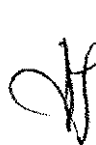
Article 10: Data and information on fisheries operations

1. Any industrial fishing vessel operating in the waters under the jurisdiction of a Member State shall be bound to provide declarations of catches in the logbook containing the basic information stipulated in *Annex III* of the present Convention.

2. For artisanal fisheries, the States shall put in place a reliable system for data collection, jointly with all the stakeholders involved, in the form of a template containing the basic information stipulated in *Annex IV* of the present Convention.

Article 11: Minimum mesh size of fishing nets and other fishing gears

The minimum mesh sizes of nets and trawls used in artisanal fishing and industrial fishing vessels that is authorized in the maritime areas under jurisdiction of the Member States shall be stipulated in a protocol to the present Convention.



Article 12: Prohibition

1. The use of the following substances, gear or equipments when carrying out fishing activities within the maritime area under jurisdiction of Member States shall be prohibited:

- explosives and toxic or intoxicating substances,
- mono filament nets,
- multi filament nylon,
- drift nets for industrial fishing

2. With regards to the other fishing gears and methods whose usage may compromise adherence to the standards for the conservation of the resource, the Member States shall adopt the necessary measures to limit or prohibit its use without prejudice to the standards on the minimum mesh sizes defined in the protocol referred to in Article 11 above.

Article 13: Registration, marking and identification of industrial fishing vessels

1. Member States shall regulate the registration and granting of the national flag to industrial fishing vessels, and appoint an appropriate competent authority to authorize registration and granting of the national flag to industrial fishing vessels.

2. The marking and identification of fishing vessels shall be carried out in accordance with the standards defined in the national legislations, through reference to the relevant legal international instruments.

Article 14: Declaration of entry and exit from the maritime area under jurisdiction of a Member State

1. Any fishing vessel entering or exiting the maritime area under jurisdiction of a Member State shall notify the relevant department of the Member State by radio or any other means, information on its entry and exit from the said maritime zone. Every Member State can regulate the time allowed for entrance and exit in the maritime areas under jurisdiction.

2. The notification shall be done at least forty eight (48) hours at least before the entry or exit of the vessel in the maritime area under jurisdiction of a Member State and shall contain the following basic information:

- the origin and destination of the vessel,
- the location of the vessel when the entry and exit declaration is made,
- the declaration of the quantity of catches on board per species,
-

Article 15: Fishing vessels on innocent or transit passage

When on passage through the maritime area under jurisdiction of a Member State, vessel not authorized to fish; shall stow their fishing gear in a manner that it cannot be easily used whilst navigating through the said maritime area under jurisdiction.

Article 16: Boarding of observers

1. Vessels licensed to fish, may only carry out fishing activities if at least one observer appointed by the fisheries department of the issuing State is present on the vessels.
2. Any observer on board a fishing vessel shall have the possibility to contact at all times his home administration when necessary.
3. The observer/inspector shall be charged with ensuring compliance with the fisheries regulation and to provide estimates of the catches on board. He shall have the right of access to all information required in the exercise of his duties.

Article 17: Boarding of local sailors

1. A vessel flying the flag of a country that is not an SRFC member party authorized to operate in the maritime area under jurisdiction of a Member State must allow registered sailors who are citizens of the State in the waters of which the vessel is operating to board.
2. The number of local sailors to be boarded shall be determined by mutual agreement between the flag State or its representative and the Member State, or through the legislation of the said State.

Article 18: Compliance with international conventions on maritime security and protection of marine environment

Fishing vessels authorized to operate in the maritime area under jurisdiction of a Member State must comply with the relevant provisions of international Conventions in effect on maritime security and protection of the marine environment of the International Maritime Organization (IMO) as well as the provisions of the International Labor Organization (ILO) on employment in the fisheries sector (C.188, 2007).

Article 19: Register of fishing vessels

1. Each Member State shall keep a national register in electronic form of fishing vessels licensed to carry out fisheries activities. A separate register shall be held of vessels having been engaged in illegal, unreported and unregulated fishing activities within its waters. This registers shall be coordinated and managed by the national fisheries department.

2. A sub-regional database of fishing vessels shall be established under the auspices of the Permanent Secretariat of the SRFC. The content of this database and the modalities for its publication shall be stipulated in a memorandum of understanding between the SRFC Permanent Secretary and the relevant authorities in each Member State.

Sub-part II: Special provisions applicable to artisanal fisheries

Article 20: Characterization and definition of artisanal fisheries

1. Artisanal fisheries means fishing activities carried out with vessels which comply with all or the majority of the following characteristics:

- technical specifications: undecked gear, of low power and/or small size,
- fishing gear: not mechanically controlled,
- means of propulsion : manual, mechanical or wind turbine,
- means of conservation : ice or salt,
- fishing zone close to the shore.

2. This definition shall be without prejudice to the particular options provided for in the national legislations on specific points with regards to the definition of artisanal fisheries.

Article 21: Registration, identification and marking of artisanal fishing vessels

1. For artisanal fishing vessels, specific standards especially for registration, identification and marking shall be laid down in the legislation of the State granting a flag to these vessels. The standards shall aim at ensuring, *inter alia*, more effective identification of vessels at sea and improving the collection of data on catches from such types of fishing activities.

2. The Member States shall establish registers of artisanal fishing vessels to ensure close monitoring of artisanal fishing activities.

Article 22: Safety at sea in the artisanal fisheries

1. Member States shall adopt appropriate provisions to provide safety at sea for artisanal fisheries in accordance with the relevant international conventions especially the obligation to use safety equipments, including life jackets, beacons, etc..

2. Member States shall ensure that these equipments are used.

Article 23: Regulation of access to artisanal fishing

Member States shall put in place a common system of regulation of access for the artisanal fishing, and shall define the basic conditions of access to this category. This system will be agreed in a future protocol in accordance with Article 35 of the present Convention.

Article 24: Protection of artisanal fisheries through the MCS systems

The Monitoring, Control and Surveillance (MCS) systems of fisheries within the competence of the Member States are strengthened to enhance the protection of areas exclusively reserved for artisanal fisheries.

PART IV: PORT STATE MEASURES AND THE FIGHT AGAINST ILLEGAL, UNREPORTED AND UNREGULATED (IUU) FISHING

Article 25: Strengthening the fight against IUU fishing

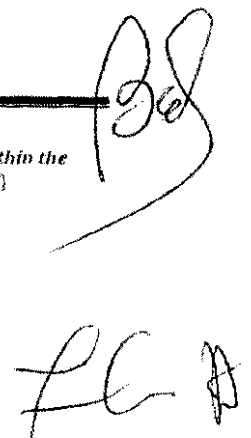
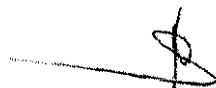
1. Member States shall commit themselves to take all the necessary measures to prevent, deter and eliminate illegal, unreported and unregulated fishing.
2. To this end, they shall strengthen cooperation to fight against IUU fishing, in accordance with international law.
3. In that regard, Member States shall:
 - carry out joint surveillance operations ;
 - allocate a significant proportion of proceeds derived from fines, transactions and confiscated items to strengthening fisheries management, research and surveillance activities ;
 - work towards putting in place a sub-regional training and capacity building programme for managers, observers and surveillance agents;
 - shall detain and facilitate the return of any vessel that has committed fishing offence(s) in the maritime area under jurisdiction of another Member State.

Article 26: Designation of ports authorized to receive third State party fishing vessels

1. Member States shall designate and publicize ports where third State fishing vessels may request entry.
2. These ports shall be selected on the basis of their technical capability to inspect third State fishing vessels. The competent authority of each Member State shall conduct inspections on a regular basis.
3. The designated ports, shall, where possible, allow for inspections provided for in the provisions of international conventions on the control of vessels by the port State.
4. Third State fishing vessels shall be authorized to use port services and carry out landing and transshipment operations in designated ports only.
5. ~~The list of the said ports shall be communicated to the SRFC Permanent Secretary.~~

Article 27: Information to be provided by third State party fishing vessels before arrival at port

1. Third State party fishing vessels must communicate to the port authorities beforehand their time of arrival as well as information required by the regulation of the port State, in particular:
 - the name and technical specifications of the vessel,
 - purpose for its entry into the port,
 - the quantity of catches to be landed,
 - the expected dates and time of arrival.



2. Except for reasons observed by international laws, the above information shall be communicated at least forty eight (48) hours in advance of the expected time of entry.

3. Upon arrival in port, the logbook containing the basic information indicated in *Annex III* of the present Convention shall be initialed and signed, and availed to fisheries inspectors and controllers as well as any other official authorized for that purpose as part of the monitoring of vessels by the port State.

Article 28: Information to be provided by vessels engaged in related activities before arrival at port

1. Vessels engaged in additional activities shall be bound to provide information required by the State port, in particular:

- the reason for entry to the port (transshipment, bunkering...),
- the quantities of catches on board, for transshipment or for shipment,
- the type and volume of bunkering products,
- the date of entry and duration of stay.

2. The above information shall be communicated at least forty eight (48) hours in advance. However, Member States can regulate the time allowed to communicate its information.

Article 29: Refusal of entry, landing, transshipment and other services to vessels engaged in IUU fishing

1. Entry in the port States shall be denied for vessels found or suspected to have been engaged in or supported IUU fishing

2. Landing and transshipment of catches shall not be authorized for vessels which have engaged in or supported illegal, unreported and unregulated fishing activities within or outside the waters under the jurisdiction of the port State. Such vessels shall not benefit from the said services.

3. In case of docking at the port of a vessel which have engaged in or supported IUU fishing activities, the catch should be confiscated in favor of the State where these catches have been made.

4. The measures referred to in the above paragraph shall be communicated to the Permanent Secretariat of the SRFC, Member States and the flag State, if known.

Article 30: Fishing activities outside the maritime area under jurisdiction of the flag State

Member States shall ensure that vessels navigating under their flag shall carry out fishing activities beyond their *exclusive economic zones only* if the said vessels are duly authorized to that effect.

A series of handwritten signatures and initials are located at the bottom of the page. From left to right, there is a signature that looks like 'A', a signature that looks like 'A', a signature that looks like 'H', a signature that looks like 'D', a signature that looks like 'Fl', and a signature that looks like 'A'. There is also a large, stylized signature on the right side of the page, possibly 'P. B. S.'.

PART V: INFRINGEMENTS AND PENALTIES

Article 31: Infringements and penalties

1. The following infringements shall be integrated in the national legislations of the Member States:

- unauthorized fishing ;
- fraudulent or non declaration of catches ;
- non-respect of minimum mesh sizes
- non-boarding of observers ;
- non-boarding of local sailors ;
- refusal of communication of entries and exits of vessels from the maritime zone of the Member State ;
- non communication of information to be provided by third State party fishing vessels upon arrival at the port, the tentative fishing plan, the zone of operation and location ;
- non-respect of standards of registration and marking of vessels ;
- engaging or supporting IUU fishing activities.
- fishing in prohibited zones
- fishing immature fish
- use of toxic products and explosive
- fishing in prohibited zones or during prohibited periods ;
- minimum mesh sizes ;
- mesh obstruction ;
- capture, retention, offloading, transshipment and sale of prohibited specie(s.) ;
- unauthorized fishing outside the waters under the jurisdiction of the flag State ;
- fraudulent declaration of the physical specifications of the vessel, the type of fishing activity or on the target species ;
- fishing through the use of prohibited gears and substances ;
- failure to comply with measures relating to biological rest periods, protected marine areas, sensitive fish spawning areas.

Convention on the Determination of the Minimal Conditions for Access and Exploitation of Marine Resources within the maritime areas under jurisdiction of the Member States of the Sub-Regional Fisheries Commission (SRFC)



Handwritten signatures and initials at the bottom of the page, including a large signature on the right and several smaller ones below.

2. In the event of repetition of offence by a fishing vessel in one Member State of the infractions above, the withdrawal of the fishing license or increased penalties, without prejudice to sanctions provided for by the internal legislation of the State shall be pronounced.

Article 32: Repetition of infringements

1. In the event there is a repetition of an infringement by a vessel of the legislation of a Member State and a conclusive sanction has been pronounced, the vessel is banned from fisheries activities for one year in all maritime zones under jurisdiction of the Member States, as from the date when the ban is communicated to all Member States in accordance with sub article 2.

2. The ban shall be communicated to Member States by the Chairperson of the SRFC Conference of Ministers, upon proposal, duly justified, by the Permanent Secretariat of the SRFC. The name of the vessel owner or agent and banned vessel shall be recorded in the registers referred to the aforementioned Articles 19 and 21 .

3. The ban notice to the vessel owner or agent shall be prepared by the authorities of the State where the repeated infringement was committed.

PART VI: FINAL PROVISIONS

Article 33: Submissions of matters to the International Tribunal for the Law of the Sea for Advisory Opinion

The Conference of Ministers of the SRFC may authorize the Permanent Secretary of the SRFC to bring a given legal matter before the International Tribunal of the Law of the Sea for advisory opinion.

Article 34: Settlement of disputes

1. Any dispute on the interpretation or implementation of the provisions of the present Convention shall be brought before the Conference of Ministers of the SRFC.

2. Disputes shall be settled amicably through conciliation, mediation or arbitration.

~~3. Any dispute which shall arise amongst Member States on the interpretation or implementation of the provisions of the present Convention, which may not be resolved through the afore-mentioned procedures, shall, on the request of one of the parties, be brought before the International Tribunal for the Law of the Sea.~~

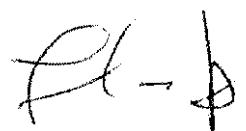
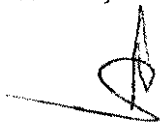
Article 35: Implementation Protocols

Additional protocols shall specify, where necessary, the applicable management and conservation measures.

Article 36: Annexes

The annexes to the present Convention shall form an integral part thereof.

Convention on the Determination of the Minimal Conditions for Access and Exploitation of Marine Resources within the maritime areas under jurisdiction of the Member States of the Sub-Regional Fisheries Commission (SRFC)



Article 37: Review of the Convention

1. The present Convention may be reviewed by the Conference of Ministers of the SRFC following a submission to that effect by at least three Member States.
2. Any requests for review shall be informed and addressed to the current Chairperson of the Conference of Ministers of the SRFC.

Article 38: Denunciation

1. A State Party may, by written notification addressed to the current Chairperson of the Conference of Ministers of the SRFC, denounce this Convention and may indicate its reasons for denunciation. The denunciation shall take effect six months after the date of receipt of the notification, unless the notification specifies a later date.
2. The obligations and commitments under the current Convention ends at the expiration of the date of written notification by the Chairperson of the Conference of the Ministers to the requesting Member State

39: Signing of the Convention

The present Convention shall be signed by the Ministers in charge of fisheries of the Member States by 31 July 2012

Article 40: Entry into force

The present Convention shall enter into force hundred days after the date of signature by all the Member States.

Article 41: Repeal of contrary past texts

The present convention shall repeal and replace the Convention of 14 July 1993 on the Determination of Conditions for Access and Exploitation of Marine resources Off the coasts of the SRFC Member States.

Done in Dakar on 08 June 2012 in English and French.

The Arabic and Portuguese version of the revised MAC Convention will be available at a date note later than July 31, 2012. All four versions being equally authentic.

IN WITNESS WHEREOF, THE UNDERSIGNED PLENIPOTENTIAIRES, DULY AUTHORIZED TO THAT EFFECT, HAVE SIGNED THE PRESENT CONVENTION:

For the Government of the Republic
of Cape Verde

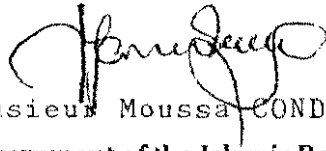


For the Government of the Republic
of the Gambia

Hon. Kebba TOIRAY

Convention on the Determination of the Minimal Conditions for Access and Exploitation of Marine Resources within the maritime areas under jurisdiction of the Member States of the Sub-Regional Fisheries Commission (SRFC)

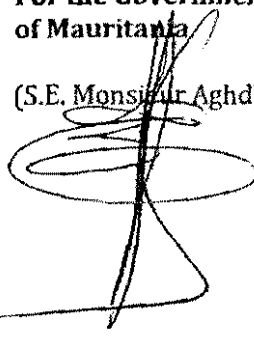
For the Government of the Republic
of Guinea



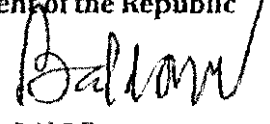
S.E Monsieur Moussa CONDE

For the Government of the Islamic Republic
of Mauritania

(S.E. Monsieur Aghdhefna Ould EYIH



For the Government of the Republic
of Guinea-Bissau



S.E Monsieur Oscar BALDE

For the Government of the Republic
of Senegal

S.E. Monsieur Papa DIOUF



For the Government of the Republic of Sierra Leone

Hon. Mrs Ferehmusu KONTEH

