

No. 24116

MULTILATERAL

Agreement instituting the Latin American Organization for Fisheries Development (OLDEPESCA) (with amendments of 2 November 1984). Concluded at Mexico City on 29 October 1982

Authentic texts of the Agreement: Spanish, English and French.

Authentic texts of the amendments: Spanish and English.

Registered by Peru on 21 May 1986.

MULTILATÉRAL

Convention constitutive de l'Organisation latino-américaine de développement de la pêche (OLDEPESCA) [avec amendements en date du 2 novembre 1984]. Conclue à Mexico le 29 octobre 1982

Textes authentiques de la Convention : espagnol, anglais et français.

Textes authentiques des amendements : espagnol et anglais.

Enregistrée par le Pérou le 21 mai 1986.

CONVENTION¹ INSTITUTING THE LATIN AMERICAN ORGANIZATION FOR FISHERIES DEVELOPMENT (OLDEPESCA)

The Latin American States duly represented at the meeting convened to establish the Latin American Organization for Fisheries Development;

Considering that, the Action Committee of Sea and Freshwater Products was set up for the purpose of exercising the sovereign rights of each of the Latin American States in order to exploit and properly use their fishery resources, and that its establishment is based on the principles of equality, sovereignty, independence of States, non-intervention in domestic affairs and mutual respect among Member States given the importance of Fisheries in the economies of these countries and the nourishing of their people;

That, it is necessary to encourage the correct use and protection of fishery resources within its maritime jurisdiction zones of each State whilst preserving the marine and freshwater environment and applying rational conservation policies for the same which entails mutual cooperation and the development of joint programs;

That, such an organization harmonizes with the principles stated in the Charter of Economic Rights and Duties of States and the Declaration for the Establishment of a New International Economic Order as well as in other declarations adopted at Conferences held at the initiative of the developing countries;

That the Panama Constitutional Convention of SELA,² maintains as one of its principles to support multilateral efforts of regional cooperation, and sets up the Action Committee as temporary operational instruments;

That, SELA Latin American Council through its Resolution N^o 13 established the Action Committee of Sea and Freshwater Products and because of the endeavours of member States significant progress has been made in the field of regional cooperation in Fisheries; and taking into account the success of the Action Committee which made possible the holding of an Annual Ministers' Meeting on Fisheries and that the Action Committee's Meetings and the I and II Ministers' Conference have adopted important agreements convinced of the need to strengthen regional cooperation through the creation of a Permanent Mechanism of Regional Cooperation in view of the proximity of expiration of the Committee, whose incorporation Agreement was subscribed on October 17, 1977;

¹ Came into force on 2 November 1984, i.e., 30 days after the date of deposit with the Government of Peru of the fourth instrument of ratification, in accordance with article 33:

<i>State</i>	<i>Date of deposit of the instrument of ratification</i>
El Salvador	7 July 1984
Mexico	14 June 1983
Nicaragua	3 March 1983
Panama	1 October 1984

Subsequently, the Convention came into force for the following State on the date of deposit of its instrument of ratification, in accordance with article 33:

<i>State</i>	<i>Date of deposit of the instrument of ratification</i>
Peru	24 May 1985
(With effect from 24 May 1985.)	

² United Nations, *Treaty Series*, vol. 1292, p. 309.

That Resolutions 7, 65 and 92, the SELA Latin American Council, after evaluating the results obtained by the Action Committee, recommends the prompt creation of a Permanent Organism of Regional Cooperation on Fisheries;

That, the Resolution approved at the Second Ministers' Meeting held in Guayaquil, Ecuador, on October, 1981, agreed to constitute the Latin American Organization for Fisheries Development as a permanent organism of regional cooperation;

That, a closer cooperation and coordination among Latin American countries should contribute to the attainment of greater economic and social benefits and a better use of the fishery resources by its peoples;

Taking note of the recent adoption of the United Nations Convention on the Law of the Sea and acknowledging the important contribution of Latin American States to the progressive development of the international law of the Sea and notwithstanding the different position of Latin American States on the adoption of that Convention;

Recognizing the urgent need to create a permanent mechanism of regional cooperation within the Latin American Fisheries Sector;

Decide to subscribe to the following Constitutional Agreement of the Latin American Organization for Fisheries Development.

CHAPTER ONE. NAME, PRINCIPLES, OBJECTIVES AND AREAS OF ACTION

Article 1. NAME

The Latin American States represented at the third Annual Meeting of Ministers responsible for matters concerning fisheries create the Latin American Organization for Fishery Development, the abbreviation of which is OLDEPESCA.

OLDEPESCA shall have international legal personality, and shall be governed by the provisions of this Agreement and Regulations made hereunder.

Article 2. HEADQUARTERS

The headquarters of OLDEPESCA will be located in the city of Lima, Peru.

Article 3. PRINCIPLES

The actions of OLDEPESCA shall be based on the principles of equality, sovereignty, independence of the States, solidarity, non-intervention in domestic affairs and respect for the different political, economic and social systems, in accordance with the Declaration of Principles of International Law and with reference to relations of friendship and cooperation between States in accordance with the Charter of the United Nations unanimously approved at the General Assembly of the U.N. during its XXV Session, and respect for the sovereignty of States over their fishery resources.

Article 4. OBJECTIVES

The main purpose of the Organization is to meet Latin American food requirements adequately, making use of Latin American fishery resource potential for the benefit of Latin American peoples, by concerted action in promoting the constant development of the countries and the permanent strengthening of regional cooperation in this sector. To this end, the objectives of OLDEPESCA are as follows:

a) To promote adequate utilization of fishery resources, preserving the marine and freshwater environment through the application of rational policies for the conservation of resources.

b) To encourage and strengthen the Latin American cooperation in the development of the rational exploitation of sea and freshwater fishery resources, for the benefit of the peoples in the region.

c) To increase substantially a food supply of sufficient nutritional value, the prices, preparation and presentation of which are in keeping with the needs of the low-income inhabitants of the region.

d) To increase in the same manner, consumption of marine and freshwater products in the region.

e) To encourage, similarly, export diversification and expansion.

f) To promote marketing systems to expand the regional exchange of products of the sector.

g) To promote generation of jobs and improvement of incomes, through greater social and economic development of the communities related to the fishery activity of the region.

h) To improve and strengthen the productive, institutional, organizational and human resources capacity of the sector.

i) To promote and organize utilization of the joint negotiating capacity of the Latin American region, as well as to determine, identify and channel international, technical and financial cooperation, through concrete regional coordination and co-operation within the scope of the sector.

Article 5. AREAS OF ACTION

Regional cooperation shall concentrate mainly on the following areas:

- a. Research on Fishery Resources.
- b. Exploitation of Fishery Resources, Industrialization and Physical Support Infrastructure.
- c. Aquaculture.
- d. Technological Development.
- e. Marketing.
- f. Training.
- g. International Cooperation.

CHAPTER TWO. MEMBERS AND THEIR OBLIGATIONS

Article 6. MEMBERSHIP

The members of OLDEPESCA shall be those States belonging to the Latin American Economic System which sign and ratify [or] which accede to the present Agreement.

Article 7. SUPPORT OF OLDEPESCA ACTIVITIES

The member countries undertake to carry out the decisions expressed in resolutions issuing from the competent organs of OLDEPESCA. Similarly, they undertake to create and strengthen the necessary mechanisms to put into practice the objectives set out in this instrument. They also undertake to prepare and furnish statistical data

and information required by OLDEPESCA to achieve its goals and to appoint the competent national agency to coordinate its activities.

Article 8. INTERNATIONAL STATUS

The contracting parties undertake to acknowledge and respect the international status of the officers of the Executive Management Board.

CHAPTER THREE. STRUCTURE

Article 9. ORGANS

OLDEPESCA consists of the following organs:

- a. Conference of Ministers.
- b. Governing Board.
- c. Executive Management Board.

First Section. Conference of Ministers

Article 10. COMPOSITION

The Conference of Ministers is the supreme authority of the Organization. It consists of the Ministers or Secretaries of State who are responsible for matters related to the fishery sector, who may attend the Conference with such experts and advisors as they may deem necessary.

In the event a Minister is unable to attend a meeting, he may be represented by a delegate appointed expressly for this purpose.

Article 11. POWERS

The Conference of Ministers, as the Organization's supreme Authority, has the following powers:

- a. To formulate the general policy of the Organization and to adopt the measures required to achieve its objectives, in accordance with the present Agreement.
- b. To consider and evaluate the operation of the Organization.
- c. Approve any amendments to the Agreement in accordance with Article 35.
- d. To review, modify or supplement the fields of cooperation within the region as established in Article 5 of this Agreement.
- e. To appoint and dismiss the Executive Director and the Assistant Executive Director.
- f. To approve, amend or reject, as may be the case, the reports and proposals of the Board of Directors and the Executive Director.
- g. To select a country other than the host country to hold a regular or special meeting whenever it is deemed convenient.
- h. To give instructions to the Executive Management Board.
- i. To establish a system of initial contributions and annual dues and any amendment thereof in accordance with the needs of OLDEPESCA.
- j. To approve the Program of Activities and the budget of OLDEPESCA.

- k.* To study and approve the Annual Report submitted by the Executive Director.
- l.* To approve the creation of Technical Committees or other systems of cooperation.
- m.* To approve in the First Regular Meeting the Regulations of the Organization to be made by the Executive Director and to amend them when it is deemed convenient.
- n.* To consider and decide on any other matter pertaining to the Organization.

Article 12. MEETINGS

The Conference of Ministers shall hold a regular meeting once a year. It may also hold extraordinary meetings at the request of at least one half plus one of the Member States. The meetings shall be convened by the Executive Director and shall be held at OLDEPESCA Headquarters, except when otherwise agreed upon by the Conference of Ministers.

The Conference of Ministers shall elect a Chairman and a Vice-Chairman. The Executive Director shall act as Secretary of the said Conference.

At the first ordinary meeting of the Conference of Ministers, the first Chairman and Vice-Chairman shall be elected by consensus. Should there be no consensus those officers shall be elected by a vote of no less than two thirds of the member States present.

The Chairman and Vice-Chairman of the Conference of Ministers shall act in those capacities until the following Regular Meeting and shall preside over the extraordinary meetings to be held during [this] period.

Afterwards, the offices of Chairman and Vice-Chairman shall be held successively by the Minister of each country in alphabetical order according to the Spanish language.

During the exercise of his functions, the Chairman or whoever is acting as such, shall be replaced as a representative of his Government by the delegate appointed to this end.

During the meetings of the Conference of Ministers, the Permanent Secretariat of SELA shall act as observer, as may all those countries or international organizations the Conference may invite. The Conference may also hold meetings that may be attended only by its members.

Article 13. QUORUM

The Conference of Ministers may hold meetings only with the attendance of at least one half plus one of its members.

Article 14. THE RESOLUTIONS

The Conference shall express its will through Resolutions. Each country shall have one vote. The Resolutions shall be adopted by a majority of no less than two thirds of the Member Countries present in the cases set out in subparagraphs (*a*), (*c*), (*f*), (*j*), (*m*) of Article 11. In other cases Resolutions shall be adopted by a majority of no less than one half plus one of the Member Countries present.

Second Section. Governing Board

Article 15. COMPOSITION

The Governing Board is the technical agency of OLDEPESCA. It consists of an Official Representative and a substitute appointed by each Member Country.

Article 16. POWERS

The Governing Board shall formulate, analyze, revise, propose and recommend to the Conference all those provisions necessary for the application of this Agreement and achievement of its objectives. To this end, the Governing Board has the following powers:

a. To make recommendations to the Conference of Ministers for the fastest development of the sector, bearing in mind the food requirements of the people, the needs of the workers and entrepreneurs, and the need to attain an adequate level in the utilization of resources. In this sense, it shall make recommendations on the following matters:

1. The general policy of the Organization.
2. Revision, amendment or supplementing of the regional cooperation areas established in Article 5 of this Agreement.
3. The reports and proposals of the Executive Director.
4. The Program of Activities, Budget of the Organization and External Audit.
5. The creation of Technical Committees or other systems of cooperation.
6. The evaluation of the operation of the Organization.
7. Other matters pertaining to the Organization.

b. To consider and to propose to the Conference of Ministers the amendments to the Agreement, and Regulations made hereunder directed to strengthen the Organization and to improve its operation.

c. To select the external auditor considering the proposals of the Executive Director.

Article 17. MEETINGS

The Governing Board shall hold an Ordinary Meeting once a year prior to the Annual Meeting of the Conference of Ministers. It may hold extraordinary meetings at the request of at least one half plus one [of] the Member Countries [or] of the Conference of Ministers.

The Meeting of the Governing Board shall be convened by the Executive Director and shall be held at OLDEPESCA headquarters except when otherwise agreed upon by the Conference of Ministers.

The Governing Board shall elect a Chairman and a Vice-Chairman from among its Members. The Executive Director shall act as Secretary.

At the first ordinary meeting of the Board the first Chairman and Vice-Chairman shall be elected in the same manner as that set out in Article 12.

The Chairman and Vice-Chairman of the Governing Board shall act in those capacities until the following Regular Meeting and shall preside over the special meetings to be held during this period.

Afterwards, the office of Chairman and Vice-Chairman shall be held successively by the representative of each country in alphabetical order according to the Spanish language.

During the exercise of his functions, the Chairman or whoever is acting as such, shall be replaced as a representative of his Government by the respective alternate representative.

Article 18. QUORUM

The Governing Board may hold meetings only with the attendance of at least one half plus one of its members.

Article 19. RESOLUTIONS

The Board shall express its will through Resolutions. Each country shall have one vote. The Resolutions shall be adopted by a majority of no less than one half plus one of the Members present.

Third Section. Executive Management Board

Article 20. EXECUTIVE DIRECTOR

An Executive Director shall be in charge of the Executive Management Board. This officer shall be a highly qualified individual in every respect with such experience as to ensure the proper performance of his duties. As Executive Director he shall neither seek nor receive instructions from any member country except through the Conference of Ministers, or from any countries or authorities external to OLDEPESCA. He shall refrain from any action incompatible with his position as an international officer and shall not hold any other position, whether remunerated or not. The Executive Director is responsible only to the Conference of Ministers.

The Executive Director shall be a national of a Member Country of OLDEPESCA and shall after his appointment, reside in the host country of the Organization. He shall be appointed by the Conference of Ministers for a term of three years, and may be reappointed for one additional term, only. In the event of his resignation or removal from office, the Conference shall immediately proceed to appoint a new Executive Director who shall exercise his functions for the same term.

Article 21. FUNCTIONS

The Executive Director is the highest executive officer of OLDEPESCA. His functions are as follows:

- a.* To carry out policies of OLDEPESCA within the objectives of the Organization and the resolutions of the Conference of Ministers.
- b.* To prepare the Program of Activities of OLDEPESCA and its Budget to be submitted to the Governing Board and to the Conference of Ministers.
- c.* To adopt the technical and administrative measures necessary to hold the Conference of Ministers and the Governing Board.
- d.* To prepare, in close coordination with the countries, the technical proposals to be considered by the Governing Board and the Conference of Ministers.
- e.* To act as Secretary at the Meeting of the Conference of Ministers and the Governing Board.
- f.* To engage and dismiss from office the personnel he may deem necessary for the efficient performance of the functions of OLDEPESCA and the advisers required to carry out the Program of Activities.

g. To propose to the Governing Board the creation of Technical Committees and systems of cooperation he may deem necessary for the formulation and execution of specific projects.

h. To receive contributions from Member Countries and to manage the assets of OLDEPESCA.

i. To draft and submit for consideration to the Board the financial reports of OLDEPESCA.

j. To propose and to hire external auditing services for each financial report, according to Article 16 (c) of the present Agreement.

k. To represent OLDEPESCA before the different governments, conferences and other forums related to the Organization. Similarly, to be its legal representative.

l. To attend without the right to vote the Meetings of the Conference of Ministers and the Governing Board.

m. To exercise the powers vested upon him expressly by the Conference of Ministers or Governing Board.

n. To propose to the Conference of Ministers or to the Governing Board the measures to be adopted which may contribute to a better organization and operation of the Executive Management Board.

ñ. To make such financial arrangements as are in keeping with the mandates of the Conference of Ministers and Organization policies for the adequate development of the Organization and its Program of Activities.

o. To sign international technical cooperation agreements approved by the Governing Board and by the Conference of Ministers to achieve the objectives of OLDEPESCA.

p. To appoint or remove the Assistant Executive Director informing the Governing Board and the Conference of Ministers so the latter may pronounce on it.

Article 22. ASSISTANT EXECUTIVE DIRECTOR

The Assistant Executive Director shall perform the duties that the Executive Director assigns to him and shall represent him during his absence. To be appointed to this position, the same requirements which are established in Article 20 in respect of the appointment of Executive Director shall be met.

Article 23. APPOINTMENT OF PERSONNEL

The Executive Director shall appoint personnel for the Executive Management Board. To this end, he shall consider above all the efficiency, competence and honesty of the candidates. If possible and in so far as this is not incompatible with the previous criterion, consideration shall be given to the desirability of obtaining as wide a Latin American geographical representation as possible. During the exercise of their functions, personnel shall not receive or seek instructions from any Government or from any other authority external to OLDEPESCA.

Fourth Section. Technical Committees

Article 24. CREATION AND OPERATION

The Conference of Ministers may on its own initiative or at the proposal of the Governing Board set up such technical committees and systems of operation as may

be thought necessary for the formulation and execution of specific projects. The Technical Committees shall be composed of representatives of the Countries participating in the respective projects. The periods of operation of such Committees shall not continue longer than the life of the project being carried out. The Committees shall report their activities to the Executive Director [and] he, in turn, shall report to the Governing Board. The Executive Management Board shall actively participate in the execution of the different projects.

CHAPTER FOUR. LEGAL CAPACITY, ASSETS AND FINANCIAL RESOURCES

Article 25. LEGAL CAPACITY

OLDEPESCA shall have international legal personality and capacity to hire, purchase and transfer personal property or real estate as well as to institute judicial proceedings for the achievement of its objectives, according to the domestic laws of the States where such capacity is exercised.

Article 26. ASSETS

The financial assets of OLDEPESCA consist of the initial contributions and annual dues of its Members and all the property and rights it may acquire whether by purchase or by gift. The contribution of its Members shall be in accordance with the scheme of the Latin American Economic System as determined by the Conference of Ministers and may be changed in accordance with its needs.

Article 27. BUDGET

The operations of OLDEPESCA shall be financed through annual contributions made by the Member Countries. The Executive Management Board shall propose to the Governing Board a draft budget and a quota of annual contributions due from Member Countries in keeping with the system established by the Conference of Ministers. The fiscal year begins January 1st, and ends December 31st. OLDEPESCA seek additional sources of funds to finance its operation. The Conference of Ministers shall determine the means to achieve this objective.

Article 28. EXTERNAL AUDITING

At the end of each fiscal year, an external auditor shall examine the accounting books and registers of OLDEPESCA and shall submit to the Governing Board the corresponding financial reports which the Board in turn shall submit for consideration to the Conference. This external auditor shall have access to OLDEPESCA's system of [accounting] and shall submit the reports he may deem pertinent or which may be requested.

CHAPTER FIVE. PRIVILEGES AND IMMUNITIES

Article 29. PRIVILEGES AND IMMUNITIES

OLDEPESCA as an International Organization shall enter into a headquarters Agreement with the Government of the Member Country in whose territory its headquarters is located, which Agreement shall be signed by the Government concerned and by the Executive Director with the prior approval of the Conference of Ministers.

In case the Organization would establish offices or agencies in any other Member State, the corresponding agreements on privileges and immunities shall be agreed upon.

CHAPTER SIX

Article 30. SIGNATURE

This Agreement will be open for signature by any Member State of the Latin American Economic System at the Ministry of Foreign Affairs of Peru from October 29, 1982 until January 29, 1983.

Article 31. RATIFICATION

This Agreement shall be subject to ratification. The instruments of ratification shall be deposited at the Ministry of Foreign Affairs of Peru.

Article 32. ACCESSION

After January 29, 1983 this Agreement shall be open to accession by any member State of the Latin American Economic System. The instrument of accession shall be deposited at the Ministry of Foreign Affairs of Peru.

Article 33. ENTRY INTO FORCE

This Agreement shall enter into force 30 days after the deposit of the fourth ratification instrument.

For each country that ratifies or [accedes to] the Agreement after the fourth instrument of ratification has been deposited, the Agreement shall enter into force on the date of deposit of such instrument of ratification or accession.

Article 34. DEPOSITARY

The depositary shall inform the countries party to the Agreement of:

- a. The fact of signing and the date of signature.
- b. The deposit of every instrument of ratification or accession and the date of deposit of such instrument.
- c. The date of entry into force of this Agreement under Article 33, paragraph 1.
- d. Every notice received and the date of receipt of such notice.

[CHAPTER SEVEN. FINAL PROVISIONS]

Article 35. AMENDMENTS

Any State party to this Agreement may, through the Executive Management Board propose the amendment or alteration of this Agreement and the Executive Management Board shall report the proposal to other States party to this Agreement.

The Conference of Ministers shall examine the proposals during its next ordinary meeting or it may under Article 12 call for an Extraordinary meeting. Proposals for amendment shall be voted on in accordance with Article 14 and shall [, if] approved, enter into force (thirty days after the fourth notification) in the same manner as set out in Article 33.

Article 36. DENUNCIATION

This Agreement shall remain in force indefinitely but each State party to the Agreement may denounce it at any time by written notification to the host country.

The denunciation shall have effect 180 days after the date on which the notification was received by the depositary.

The Government of the host country shall notify the States party or signatories to this Agreement of the notification of the denunciation and the date on which the denunciation comes into effect.

The State making the denunciation shall comply with any obligation by which [it] was bound before its denunciation, notwithstanding that such obligation may continue after the effective date of withdrawal.

Notwithstanding the denunciation of this Agreement by a State, that State may continue to be linked to specific programmes until they are completed. This matter shall be decided by the Conference of Ministers.

Article 37. RESERVATION

No reservation may be made to this Agreement at the time of signature, ratification or accession.

Article 38. DISPUTES

Disputes relating to the application and interpretation of this Agreement which are not settled by the Members concerned shall at the request of any party to the conflict be referred to the Conciliation Commission appointed for this purpose and comprising delegates of the member countries chosen by the parties to the dispute.

[In the event that the dispute is not settled via the proceedings of the Conciliation Commission, the provisions of international law for the peaceful settlement of disputes shall be applied until a solution acceptable to the parties is found.]¹

Article 39. OFFICIAL LANGUAGES

The official languages of this Agreement are those recognised by the Latin American Economic System.

TRANSITORY PROVISION. SUBSTITUTION OF THE ACTION COMMITTEE
ON SEA AND FRESHWATER PRODUCTS

OLDEPESCA replaces the Action Committee on Sea and Freshwater Products set up in Lima, Peru, and consequently, the activities and projects which have not been completed by the Action Committee shall become part of OLDEPESCA's activities.

Similarly, all the financial assets of the aforementioned Committee, as well as the financial commitments of the Member Countries, shall be transferred to OLDEPESCA.

¹ The paragraph within brackets appears in the authentic Spanish and French texts only, on the basis of which a translation has been provided by the Secretariat of the United Nations — Le paragraphe entre crochets ne figure que dans les textes authentiques espagnol et français, sur la base desquels une traduction a été effectuée par le Secrétariat de l'Organisation des Nations Unies.

IN FAITH WHEREOF the plenipotentiaries duly accredited signed the present Agreement.

DONE in the city of Mexico the twenty-ninth day of October one thousand nine hundred and eighty-two, in one original of each one of the official languages of SELA, being these texts equally valid. [The original text of the Agreement in the French and Portuguese languages will be signed at a later date.]¹

[JORGE PRUDENCIO]²

For the Republic of Bolivia

[ARMANDO BOLAÑOS]

For the Republic of Costa Rica

[TULY LOOR ARGOTE]

For the Republic of Ecuador

[MARIO GONZALES RECINOS]

For the Republic of El Salvador

[LUIS HUMBERTO FIGUEROA]

For the Republic of Guatemala

[HAMILTON GREEN]

For the Republic of Guyana

[REMILLOT LEVEILLE]

For the Republic of Haiti

[MARIO ALFREDO ZEA]

For the Republic of Honduras

¹ This statement should refer solely to the Portuguese text which has not yet been established (information provided by the Government of Peru).

² Names of signatories appearing between brackets were not legible and have been supplied by the Government of Peru.

[FERNANDO RAFFUL MIGUEL]

For the Republic of the United States of Mexico

[ALFREDO ALANIZ DOWNING]

For the Republic of Nicaragua

[RICARDO REAL]

For the Republic of Panama

[RENÉ DEUSTUA JAMESON]

For the Republic of Peru

AMENDMENT 1 TO THE LATIN-AMERICAN FISHING DEVELOPMENT ORGANIZATION (OLDEPESCA) AGREEMENT

The member states of the Latin-American Fishing Development Organization, duly represented in its 1st Ministerial Conference,

In view of Articles 11 (c), 14 and 35 of the OLDEPESCA Agreement and Articles 7 and 8 of the Declaration by the Ministers of Fishing of SELA's Action Committee on Seafood and Freshwater Products issued in its 4th Meeting, held in October 1983, and

Considering that it is of interest to the Latin-American and Caribbean countries to incorporate in the OLDEPESCA Agreement those provisions that improve it and contribute to the ratification of or adherence to that Agreement by all those countries;

That, in this regard, it is necessary to specify in the Agreement that the countries which have signed agreements on the preservation, conservation and exploitation of marine and freshwater resources will, in the programs which they sign within the framework of the agreement, honor the commitments assumed in those agreements; and

That it is also necessary to consider, in the Agreement, the principle of consensus on all those substantive aspects of regional cooperation that are in OLDEPESCA's sphere of competence,

Resolve to amend the OLDEPESCA Agreement as follows:

First. To include the following additional paragraph in Article 37 of the OLDEPESCA Agreement:

"The signatory member states that have already entered into agreements for the preservation, conservation and exploitation of marine and freshwater resources will honor the commitments made by virtue of the aforementioned agreements when participating in programs arising from the Incorporation Agreement"; and

Second. To modify Article 14 of the OLDEPESCA Agreement to read as follows:

"The Conference shall express its will through Resolutions. Each State has the right to one vote. Resolutions shall be adopted by consensus of attending Member States in those cases stipulated in paragraphs (c), (i) and (m) of Article 11, and by two thirds majority of attending Member States in those cases stipulated in paragraphs (a), (f), (h) and (j) of said Article. In all other cases, Resolutions shall be adopted by a majority not less than half plus one of attending Member States."

IN WITNESS WHEREOF, the members of the Ministerial Conference, duly authorized, sign this amendment in Managua, Nicaragua, on November 2, 1984, with one original in each of the languages of the Latin-American Economic System (SELA), all of which are equally valid. The original texts in French and Portuguese will be signed at a later date.¹

[*Signed*]

Mr. CARLOS AQUILINO DUARTE FUNES

Minister of Agriculture
The Republic of El Salvador

[*Signed*]

Mr. PEDRO OJEDA PAULLADA

Secretary of Fishing
The United Mexican States

[*Signed*]

Mr. ALFREDO ALANIZ DOWNING

Minister of Fishing
The Republic of Nicaragua

[*Signed*]

Mr. JOSÉ BERNARDO CÁRDENAS

Minister of Industry and Commerce
The Republic of Panama

¹ The French and Portuguese texts have not yet been established (information provided by the Government of Peru).

AMENDMENT 2 TO THE LATIN-AMERICAN FISHING DEVELOPMENT ORGANIZATION (OLDEPESCA) AGREEMENT

The member states of the Latin-American Fishing Development Organization, duly represented in its 1st Ministerial Conference,

In view of Articles 11 (c), 14 and 35 of OLDEPESCA's Agreement and the Agreement of the 4th Meeting of Ministers of Fishing of SELA's Action Committee on Seafood and Freshwater Products and

Considering that it is necessary to ensure the continuity of the cooperation actions undertaken by SELA's Action Committee on Seafood and Freshwater Products, contributing to OLDEPESCA's operation with broad participation by the countries which had been members of SELA's Action Committee;

That, while adhesions to and ratifications of OLDEPESCA's Agreement occur, it is advisable to allow all the member countries of the Action Committee and other Latin-American and Caribbean countries that are members of SELA to participate in the Organization's activities so as not to interrupt the activities and projects undertaken by the said Committee; and

That it is, therefore, advisable to include a Temporary Provision in OLDEPESCA's Agreement in order to make the fulfillment of the said objective feasible,

Resolve to amend the OLDEPESCA Agreement as follows:

First. To include the following Temporary Provision in the OLDEPESCA Agreement:

"Participation of SELA member countries in OLDEPESCA

"Until they complete their arrangements for ratification of or adhesion to OLDEPESCA's Agreement, all countries that have been members of SELA's Action Committee on Seafood and Freshwater Products may participate in its programs of activities, paying the annual fee to be established once they have concluded all the legal and technical procedures for this purpose. These countries will participate as full members in the meetings of the Ministerial Conference and of the Board of Directors, with the right to vote on the Program of Activities and the Budget, and in the meetings of the Technical Committees, with the right to formulate and implement specific projects and participate in the management of those projects.

"All the other SELA member countries may adhere to the above-mentioned paragraph.

"The present Temporary Provision will be valid for one year after the OLDEPESCA Agreement goes into effect but may be extended by the Ministerial Conference."

IN WITNESS WHEREOF, the members of the Ministerial Conference, duly authorized, sign this amendment in Managua, Nicaragua, on November 2, 1984, with one original in each of the languages of the Latin-American Economic System (SELA), all of which are equally valid. The original texts in French and Portuguese will be signed at a later date.¹

[Signed]

Mr. CARLOS AQUILINO DUARTE FUNES

Minister of Agriculture
The Republic of El Salvador

[Signed]

Mr. PEDRO OJEDA PAULLADA

Secretary of Fishing
The United Mexican States

[Signed]

Mr. ALFREDO ALANIZ DOWNING

Minister of Fishing
The Republic of Nicaragua

[Signed]

Mr. JOSÉ BERNARDO CÁRDENAS

Minister of Industry and Commerce
The Republic of Panama

¹ The French and Portuguese texts have not yet been established (information provided by the Government of Peru).