

No. 1615. AGREEMENT FOR THE ESTABLISHMENT OF THE INDO-PACIFIC FISHERIES COUNCIL. FORMULATED AT BAGUIO ON 26 FEBRUARY 1948 AND APPROVED BY THE CONFERENCE OF THE FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS AT ITS FOURTH SESSION HELD IN WASHINGTON FROM 15 TO 29 NOVEMBER 1948¹

AMENDMENTS² TO THE ABOVE-MENTIONED AGREEMENT. ADOPTED ON 20 JANUARY 1961 BY THE INDO-PACIFIC FISHERIES COUNCIL AT ITS NINTH SESSION HELD IN KARACHI FROM 6 TO 23 JANUARY 1961 AND APPROVED ON 23 NOVEMBER 1961 BY THE ELEVENTH SESSION OF THE CONFERENCE OF THE FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS HELD IN ROME FROM 4 TO 24 NOVEMBER 1961

Official texts: English and French.

Registered by the Food and Agriculture Organization of the United Nations on 21 December 1961.

AGREEMENT FOR THE ESTABLISHMENT OF THE INDO-PACIFIC FISHERIES COUNCIL
(As amended by the ninth session of the Council, Karachi, 6-23 January 1961)³

Preamble

The Governments of Burma, China, France, India, the Netherlands, the Republic of the Philippines, the United Kingdom and the United States of America, Members of the Food and Agriculture Organization of the United Nations, having a mutual interest in the development and proper utilization of the living aquatic resources of the Indo-Pacific Areas, and desiring to further the attainment of these ends through international co-operation by the establishment of an Indo-Pacific Fisheries Council agree as follows :

Article I

THE COUNCIL

1. The contracting Governments agree to establish, *within the framework of the Food and Agriculture Organization of the United Nations (hereinafter referred to as "the Organization")* a Council, to be known as the Indo-Pacific Fisheries Council, for the purpose of carrying out the functions and duties hereinafter set forth in Article IV.

2. The Members of the Council shall be [the Governments] *such Member Nations and Associate Members of the Organization and such non-member nations of the Organiza-*

¹ United Nations, *Treaty Series*, Vol. 120, p. 59; Vol. 140, p. 446; Vol. 187, p. 449; Vol. 190, p. 383; Vol. 227, p. 322; Vol. 313, p. 346, and Vol. 343, p. 343.

² Came into force on 23 November 1961, the date of approval by the Eleventh Session of the Conference of the Food and Agriculture Organization of the United Nations.

³ The text printed herein shows the changes resulting from the above-mentioned amendments as follows : the words which have been added are italicized and the words which have been deleted are reproduced in square brackets.

tion which are Members of the United Nations that accept this Agreement in accordance with the provisions of Article IX thereof. As regards Associate Members, this Agreement shall, in accordance with the provisions of Article XIV-5 of the Constitution and Rule XXXI-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 [Government] shall be represented at sessions of the Council by a single delegate, who may be accompanied by an alternate and by experts and advisers. Participation in sessions of the Council 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 [Government] shall have one vote. Decisions of the Council shall be taken by a majority of the votes cast, except when a greater majority is required by this Agreement or by the Rules governing the procedure of the Council. A majority of the total membership of the Council shall constitute a quorum.

[3. The Council shall elect a Chairman and a Vice-Chairman who with the immediately retiring Chairman shall constitute the Executive Committee. In the unavoidable absence of one or two members of the Executive Committee from a Committee session, the Chairman shall have the power to co-opt the chairman of one or two of the Technical Committees which may from time to time be established in accordance with the Rules governing the procedure of the Council, at his discretion, to substitute the absent Committee member or members for that Committee session only, provided that one permanent member of the Executive Committee shall always be present and that the number of voting members attending the Committee session shall in no case exceed three.]

3. *The Council shall at each regular session elect a Chairman and a Vice-Chairman who shall serve until the end of the next regular session.*

[4. The Council shall determine the frequency, dates and places of its sessions and establish rules governing its procedure.]

[5. The Chairman shall call a session of the Council at least once in every two years, unless directed otherwise by a majority of the Member Governments. The initial session shall be called by the Food and Agriculture Organization of the United Nations within six months after the entry into force of this Agreement and at such place as it may designate.]

4. *The Chairman of the Council in consultation with the Director-General of the Organization shall convene a regular session of the Council at least once in every two years unless otherwise directed by a majority of the Members. The site and date of all sessions shall be determined by the Council in consultation with the Director-General of the Organization.*

[6.] 5. The seat of the Council shall be at the seat of the Regional Office of the [Food and Agriculture] Organization [of the United Nations] most conveniently situated within the area defined in Article [IV] V. Pending the establishment of such a Regional Office, the Council shall select a temporary seat within that area.

[7.] 6. The [Food and Agriculture] Organization [of the United Nations] shall provide the Secretariat for the Council and *the Director-General* shall appoint its Secretary, *who shall be administratively responsible to him.*

7. *The Council may, by a two-thirds majority of its membership, adopt and amend its own Rules of Procedure which shall be consistent with the General Rules of the Organization. The Rules of the Council and any amendments thereto shall come into force as from the date of approval by the Director-General of the Organization, subject to confirmation by the Council of the Organization.*

Article III

COMMITTEES AND WORKING PARTIES

1. *There shall be an Executive Committee consisting of the Chairman, the Vice-Chairman and the immediately retiring Chairman. In the unavoidable absence of one or two members of the Executive Committee from a Committee session, the Chairman shall have the power to co-opt the chairman of one or two of the Technical Committees which may from time to time be established in accordance with the Rules governing the procedure of the Council, at his discretion, to substitute the absent Committee member or members for that Committee session only, provided that one permanent member of the Executive Committee shall always be present and that the number of voting members attending the Committee session shall in no case exceed three.*

2. *The Council may in addition establish temporary, special or standing committees to study and report on matters pertaining to the purpose of the Council.*

3. *The Council may establish working parties to study and recommend on specific technical problems. These working parties shall be convened by the Director-General of the Organization at such times and places as are in accordance with the objectives for which they were established.*

4. *The establishment of committees and working parties referred to in paragraphs 2 and 3 above shall be subject to the availability of the necessary funds in the relevant chapter of the approved budget of the Organization; the determination of such availability shall be made by the Director-General. Before taking any decision involving expenditures in connection with the establishment of committees and working parties the Council shall have before it a report from the Director-General on the administrative and financial implications thereof.*

Article [III] IV

FUNCTIONS

The Council shall have the following functions and duties :

- a. To formulate the oceanographical, biological and other technical aspects of the problems of development and proper utilization of living aquatic resources;
- b. To encourage and co-ordinate research and application of improved methods in every day practice;
- c. To assemble, publish or otherwise disseminate oceanographical, biological and other technical information relating to living aquatic resources;

- d. To recommend to Members [Governments] such national or co-operative research and development projects as may appear necessary or desirable to fill gaps in such knowledge;
- e. To undertake, where appropriate, co-operative research and development projects directed to this end;
- f. To propose, and where necessary to adopt, measures to bring about the standardization of scientific equipment, techniques and nomenclature;
- g. To extend its good offices in assisting *its* Members [Governments] to secure essential material and equipment;
- h. To report upon such questions relating to oceanographical, biological and other technical problems as may be recommended to it by Members [Governments] or by the [Food and Agriculture] Organization [of the United Nations] and other international, national or private organizations with related interests;
- i. [To report biennially to the Conference of the Food and Agriculture Organization of the United Nations upon its activities for the information of the Conference; and to make such other reports to the Food and Agriculture Organization of the United Nations on matters falling within the competence of the Council as may seem to it necessary and desirable.]
To transmit biennially 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 may seem to it necessary or desirable. Reports of the committees and working parties of the Council provided for in Article III of this Agreement shall be transmitted to the Director-General through the Council.

Article [IV] V

AREA

The Council shall carry out the functions and duties set forth in Article IV in the Indo-Pacific area.

Article [V] VI

COOPERATION WITH INTERNATIONAL BODIES

The Council shall co-operate closely with other international bodies in matters of mutual interest.

Article [VI] VII

EXPENSES

1. The expenses of delegates and their alternates, experts and advisers occasioned by attendance at sessions of the Council *and the expenses of representatives on committees or working parties established in accordance with Article III of this Agreement* shall be determined and paid by their respective governments.

2. The expenses of the Secretariat, including publications and communications, and of the Chairman, the Vice-Chairman and the immediately retired Chairman of the Council, when performing duties connected with its work during intervals between its sessions, shall be determined and paid by the [Food and Agriculture] Organization [of the United Nations] within the limits of a biennial budget prepared and approved in accordance with the [current regulations of that Organization] *Constitution, the General Rules and Financial Regulations of the Organization.*

3. The expenses of research or development projects undertaken by individual members of the Council, whether independently or upon the recommendation of the Council, shall be determined and paid by their respective Governments.

4. The expenses incurred in connection with co-operative research or development projects undertaken in accordance with the provisions of Article [III] IV, paragraphs (d) and (e) unless otherwise available shall be determined and paid by the Members [Governments] in the form and proportion to which they shall mutually agree. *Co-operative projects shall be submitted to the Council of the Organization prior to implementation. Contributions for co-operative 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 expenses of experts invited, with the concurrence of the Director-General, to attend meetings of the Council, committees or working parties in their individual capacity shall be borne by the budget of the Organization.*

Article [VII] VIII

AMENDMENTS

[Any proposal for amending this Agreement shall require the approval of a two-thirds majority of all the Members of the Council. An exception to this rule is made in the following cases :

- (1) Amendments to the Agreement extending the functions of the Council require the approval of the Conference of the Food and Agriculture Organization of the United Nations in addition to approval by a two-thirds majority of all the Members of the Council;
- (2) Amendments of the Agreement extending the powers of the Council to incur expenses to be borne by the Food and Agriculture Organization of the United Nations, shall require the approval of a two-thirds majority of all the Members of the Council and of the Director-General of the Food and Agriculture Organization of the United Nations.]

The Indo-Pacific Fisheries Council may amend this Agreement by a two-thirds majority of all the Members of this Council, any amendment becoming effective only after concurrence of the Council of the Organization unless the latter considers it desirable to refer the amendment to the Conference of the Organization for approval. An amendment shall become effective as from the date of the decision of the Council or Conference of the Organization as appropriate. However, any amendment involving new obligations for Members shall come into

force with respect to each Member only on acceptance of it by that Member. The instruments of acceptance of amendments involving new obligations shall be deposited with the Director-General of the Organization who shall inform all the Members of the Indo-Pacific Fisheries Council as well as the Secretary-General of the United Nations of the receipt of acceptances and the entry into force of such amendments. The rights and obligations of any Member of the Indo-Pacific Fisheries Council 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 [VIII] IX

ACCEPTANCE

1. This Agreement shall be open to acceptance by [Governments which are Members of the Food and Agriculture.] *Member Nations or Associate Members of the Organization* [of the United Nations].

2. [This Agreement shall also be open to acceptance by Governments which are not members of the Food and Agriculture Organization of the United Nations, with the approval of the Conference of the Food and Agriculture Organization of the United Nations and of two-thirds of the members of the Council.]

The Council may, by a two-thirds majority of its membership, admit to membership such other nations that are Members of the United Nations as have submitted an application for membership and a declaration made in a formal instrument that they accept this Agreement as in force at the time of admission. Participation by such [Governments] Nations in the activities of the Council shall be contingent upon the assumption of a proportionate share in the expenses of the Secretariat, as determined [by the Council and approved] by the [Food and Agriculture] Organization [Conference].

3. [The notifications of acceptance of this Agreement shall be deposited with the Director-General of the Food and Agriculture Organization of the United Nations, who shall immediately inform all the Governments concerned of their receipt.]

3. *Acceptance of this Agreement by any Member Nation or Associate Member of the Organization shall be effected by the deposit of an instrument of acceptance with the Director-General of the Organization and shall take effect on receipt of such instrument by the Director-General.*

4. *Acceptance of this Agreement by non-member nations of the Organization shall be effected by the deposit of an instrument of acceptance with the Director-General of the Organization. Membership shall become effective on the date on which the Council approves the application for membership, in conformity with the provisions of paragraph 2 of this Article.*

5. *The Director-General of the Organization shall inform all Members of the Council, all Member Nations of the Organization and the Secretary-General of the United Nations of all acceptances that have become effective.*

6. *Acceptance of this Agreement may be made subject to reservations which shall become effective only upon unanimous approval by the Members of the Council. The Director-General of the Organization shall notify forthwith all Members of the Council of any reservations. Members of the Council not having replied within three months from the date of the notification shall be deemed to have accepted the reservation. Failing such approval the Nation making the reservation shall not become a party to this Agreement.*

Article [IX] X

ENTRY INTO FORCE

[1.] This Agreement shall enter into force upon the date of receipt of the fifth [notification] *instrument* of acceptance.

[2. Notifications of acceptance received after the entry into force of this Agreement shall take effect on the date of their receipt by the Director-General of the Food and Agriculture Organization of the United Nations who shall immediately inform all the Governments concerned and the Council of their receipt.]

Article XI

TERRITORIAL APPLICATION

The Members of the Council shall, when accepting this Agreement, state explicitly to which territories their participation shall extend. In the absence of such a declaration, participation shall be deemed to apply to all the territories for the international relations of which the Member is responsible. Subject to the provisions of Article XII below, the scope of the territorial application may be modified by a subsequent declaration.

Article [X] XII

WITHDRAWAL

1. Any Member [Government] 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 [Government] *Member* by giving written notice of such withdrawal to the Director-General of the [Food and Agriculture] Organization [of the United Nations] who shall immediately inform [all the Governments concerned and the Council] of such withdrawal *all the Members of the Council and the Member Nations of the Organization as well as the Secretary-General of the United Nations*. Notice of withdrawal shall become effective three months from the date of its receipt by the Director-General.

2. *A Member of the Council may give notice of withdrawal with respect to one or more of the territories for the international relations of which it is responsible. When a Member gives notice of its own withdrawal from the Council it shall state to which territory or territories the withdrawal is to apply. In the absence of such a declaration, the withdrawal shall be deemed to apply to all the territories for the international relations of which the Member of the Council is responsible, except that such withdrawal shall not be deemed to apply to an Associate Member. Any Member of the Council that gives notice of withdrawal from the Organization shall be deemed to have simultaneously withdrawn from the Council, and this withdrawal shall be deemed to apply to all the territories for the international relations of which the Member concerned is responsible, except that such withdrawal shall not be deemed to apply to an Associate Member.*

Article XIII

INTERPRETATION AND SETTLEMENT OF DISPUTES

Any dispute regarding the interpretation or application of this Agreement if not settled by the Council shall be referred to a committee composed of one member appointed by each

of the parties to the dispute, and in addition an independent chairman 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 XIV

TERMINATION

This Agreement shall be considered terminated if and when the number of Members of the Council drops below five unless the remaining Members of the Council unanimously decide otherwise.

Article XV

CERTIFICATION AND REGISTRATION

The text of this Agreement was originally formulated at Baguio the 26th day of February, one thousand nine hundred and forty eight in the English language. Two copies in the English and French languages of this Agreement as amended shall after approval by the Council or Conference of the Organization, as appropriate, be certified by the Chairman of the Conference or Council of the Organization 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 Nation of the Organization and to such non-member nations of the Organization that may become parties to this Agreement.

[Formulated at Baguio this 26th day of February, one thousand nine hundred and forty-eight, in the English language, in a single copy which shall be deposited in the archives of the Food and Agriculture Organization of the United Nations which shall furnish certified copies thereof to the Governments Members of the Food and Agriculture Organization of the United Nations.]