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Treaty Series No. 73 (1949)

AGREEMENT FOR THE ESTABLISHMENT OF THE INDO-PACIFIC FISHERIES COUNCIL

BAGUIO, 26TH FEBRUARY, 1948

*Presented by the Secretary of State for Foreign Affairs to Parliament
by Command of His Majesty*

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AGREEMENT FOR THE ESTABLISHMENT OF THE INDO-PACIFIC FISHERIES COUNCIL

Baguio, 26th February, 1948

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 Organisation of the United Nations, having a mutual interest in the development and proper utilisation 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 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 III.
2. The members of the Council shall be the Governments which accept this Agreement in accordance with the provisions of Article IX thereof.

ARTICLE II

Organisation

1. Each member Government shall be represented at meetings of the Council by a single delegate, who may be accompanied by an alternate and by experts and advisers. Participation in meetings 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 simple majority of the votes cast, except as otherwise provided by this Agreement. A majority of the total membership of the Council shall constitute a quorum.
3. The Council shall elect a Chairman and a Vice-Chairman.
4. The Council shall determine the frequency, dates and place of its meeting and establish rules governing its procedure.
5. The chairman shall call a meeting of the Council at least once in every year, unless directed otherwise by a majority of the member Governments. The initial meeting shall be called by the Food and Agriculture Organisation of the United Nations within six months after the entry into force of this Agreement, and at such place as it may designate.
6. The seat of the Council shall be at the seat of the Regional Office of the Food and Agriculture Organisation of the United Nations most conveniently situated within the area defined in Article IV. Pending the establishment of such a Regional Office, the Council shall select a temporary seat within that area.
7. The Food and Agriculture Organisation of the United Nations shall provide the Secretariat for the Council and shall appoint its Secretary.

ARTICLE III

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 utilisation of living aquatic resources;
- (b) To encourage and co-ordinate research and the application of improved methods in everyday practices;
- (c) To assemble, publish or otherwise disseminate oceanographical, biological and other technical information relating to living aquatic resources;
- (d) To recommend to member 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 standardisation of scientific equipment, techniques and nomenclature;
- (g) To extend its good offices in assisting member Governments to secure essential materials and equipment;
- (h) To report upon such questions relating to oceanographical, biological and other technical problems as may be recommended to it by member Governments or by the Food and Agriculture Organisation of the United Nations and other international, national or private organisations, with related interests;
- (i) To report annually to the Conference of the Food and Agriculture Organisation of the United Nations upon its activities, for the information of the Conference; and to make such other reports to the Food and Agriculture Organisation of the United Nations on matters falling within the competence of the Council as may seem to it necessary and desirable.

ARTICLE IV

Area

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

ARTICLE V

Co-operation with International Bodies

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

ARTICLE VI

Expenses

1. The expenses of delegates and their alternates, experts and advisers occasioned by attendance at meetings of the Council shall be determined and paid by their respective Governments.

2. The expenses of the Secretariat, including publications and communications, and of the Chairman and Vice-Chairman of the Council when performing duties connected with its work during intervals between its meeting, shall be

determined and paid by the Food and Agriculture Organisation of the United Nations within the limits of an annual budget prepared and approved in accordance with the current regulations of that Organisation.

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 connexion with co-operative research or development projects undertaken in accordance with the provisions of Article III, paragraphs (d) and (e) unless otherwise available shall be determined and paid by the member Governments in the form and proportion to which they shall mutually agree.

ARTICLE VII

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 Organisation 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 Organisation 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 Organisation of the United Nations.

ARTICLE VIII

Acceptance

1. This Agreement shall be open to acceptance by Governments which are members of the Food and Agriculture Organisation of the United Nations.

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

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

ARTICLE IX

Entry into Force

1. This Agreement shall enter into force upon the date of receipt of the fifth notification of acceptance.⁽¹⁾

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

(1) The agreement entered into force on 9th November, 1948.

ARTICLE X

Withdrawal

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 by giving written notice of such withdrawal to the Director-General of the Food and Agriculture Organisation of the United Nations who shall immediately inform all the Governments concerned and the Council of such withdrawal. Notices of withdrawal shall become effective three months from the date of their receipt by the Director-General.

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 Organisation of the United Nations, which shall furnish certified copies thereof to the Governments members of the Food and Agriculture Organisation of the United Nations.

THE AGREEMENT HAS BEEN ACCEPTED BY THE FOLLOWING TWELVE MEMBER GOVERNMENTS

	<i>Date of Deposit of Acceptance</i>
United Kingdom	28th February, 1949.
Australia	10th March, 1949.
Ceylon	21st February, 1949.
India	9th November, 1948.
Pakistan	1st August, 1949.
Burma	7th January, 1949.
China	3rd February, 1949.
France	30th June, 1948.
Netherlands	12th November, 1948.
Philippines	23rd July, 1948.
Siam	6th October, 1948.
United States of America	3rd September, 1948.

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