

INDO-PACIFIC FISHERIES COUNCIL

Agreement formulated at the Food and Agriculture Organization Fisheries Meeting at Baguio February 26, 1948

Acceptance by the United States deposited with the Food and Agriculture Organization September 3, 1948

Entered into force November 9, 1948

Amended October 14, 1955,¹ and December 17, 1958²

Replaced by agreement of January 20, 1961³

62 Stat. 3711; Treaties and Other
International Acts Series 1895

AGREEMENT FOR THE ESTABLISHMENT OF THE INDO-PACIFIC FISHERIES COUNCIL

On a motion from the Delegation of the United States seconded by the Delegate from the Netherlands the meeting

“RESOLVED

That the representatives of governments members of the Food and Agriculture Organization of the United Nations here assembled, recognizing the mutual interest of their several nations in the development and proper utilization of the living aquatic resources of the Indo-Pacific areas, and believing that this end can best be attained by international collaboration, do hereby recommend to their respective governments for consideration, the acceptance of the following agreement for the establishment of an Indo-Pacific Fisheries Council.”

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 cooperation by the establishment of an Indo-Pacific Fisheries Council agree as follows:

¹ 7 UST 2927; TIAS 3674.

² 13 UST 2527; TIAS 5218.

³ 13 UST 2511; TIAS 5218.

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

Organization

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 Organization 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 Organization 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 Organization 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 utilization of living aquatic resources;

- b. To encourage and coordinate research and the application of improved methods in every day 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 cooperative research and development projects as may appear necessary or desirable to fill gaps in such knowledge;
- e. To undertake, where appropriate, cooperative 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 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 Organization of the United Nations and other international, national or private organizations, with related interests;
- i. To report annually 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.

ARTICLE IV

Area

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

ARTICLE V

Cooperation with International Bodies

The Council shall cooperate 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 Organization of

the United Nations within the limits of an annual budget prepared and approved in accordance with the current regulations of that 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 cooperative 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 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.

ARTICLE VIII

Acceptance

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

ARTICLE IX

Entry into Force

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

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 Organization of the United Nations who shall immediately inform all the Governments concerned and the Council of their receipt.

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 Organization 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 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.

and further

“RESOLVED

That the Director-General of the Food and Agriculture Organization of the United Nations be requested to communicate the text of the agreement adopted by the meeting, together with this resolution, to all governments members of the Food and Agriculture Organization of the United Nations; and that the governments here represented and any other member government that may be interested be invited to accept the agreement.”

and further

“RESOLVED

That the working ⁴ Committees appointed at this Conference continue to function informally until the entry into force of the Agreement in cooperation

⁴ Committees on Hydrology, Biology, Taxonomy and Technology. [Footnote in original.]

with the Fisheries Division of the Food and Agriculture Organization of the United Nations.”

With respect to the first part of the resolution the Delegate of the United States made the following statement:

“The further instructions the U.S. Delegation has been awaiting regarding the need for referral of the Agreement to the FAO Conference have been received.

“These instructions permit concurrence in Resolution one with the qualification that the United States reserve its position with regard to the Agreement entering into effect without referral to the next FAO Conference.

“Since this matter has already been fully discussed and it is apparent that the U.S. position is not shared by other countries it is merely requested that the reservation on this one point be made a matter of record in the minutes of the meeting.”

With respect to the resolutions the Delegate of France made a statement as follows:

“The French delegation accepts the resolutions of the Conference in the English text, subject to the correctness of the French translation” [translation].

Liaison with other International Bodies

It was moved by the Burmese Delegate, seconded by the U.S. Delegate,

“That this meeting draws the attention of the proposed Indo-Pacific Fisheries Council to the need for the avoidance of duplication of effort between the proposed Indo-Pacific Fisheries Council and any similar bodies created by other International Organizations and desires to record its opinion that the Indo-Pacific Fisheries Council should be regarded as the principal organ in those fisheries matters coming within its competence.”