

HEADQUARTERS AGREEMENT
OF THE SURVEILLANCE OPERATIONS COORDINATING UNIT WITHIN
THE FRAMEWORK OF THE PROJECT AFR-LUX-13-99
BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF THE GAMBIA
AND
THE SUB-REGIONAL FISHERIES COMMISSION

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Headquarters Agreement

Of the Surveillance Operations Coordinating Unit (SOCU) within the framework of the Project "Reinforcement of sub-regional cooperation for the Monitoring, Control and Surveillance of Industrial fishing activities in the member states of the Sub-regional Fisheries Commission" (AFR-LUX-013-99)

BETWEEN

THE GOVERNMENT OF THE REPUBLIC OF THE GAMBIA
Hereafter referred to as "the Government"

AND

THE SUB-REGIONAL FISHERIES COMMISSION
Hereafter referred to as "the Commission"

ON THE OTHER HAND,

Considering the Agreement of the 29th March 1985 which created a Sub-Regional Fisheries Commission, amended on the 14th July 1993 in Praia (Republic of Cape Verde) and ratified by all the member States of the Commission;

Conscious of the Spirit, Principles and Objectives of the UN Convention on the Law of the Sea adopted in Montego Bay on the 10th December 1982, also ratified by all the member states of the Commission;

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Taking into account the dispositions of the bilateral Agreement existing between the Government of The Grand Duchy of Luxembourg and the Commission, relative to the unified Project "Reinforcement of sub-regional cooperation for the Monitoring, Control and Surveillance of the Industrial Fishing Activities" and signed in Luxembourg on the 3rd March 1999 and annexures;

Profoundly concerned by the damages currently caused by illegal fishing in the Fisheries resources to the marine environment and to the economies of the Commission's member states.

Fully recognizing that it is in the interest of the Commission's member states to reinforce sub-regional cooperation in the area of fisheries;

HAVE AGREED ON THE FOLLOWING MEASURES:

ARTICLE 1: General Dispositions

The Surveillance Operations Coordinating Unit (SOCU), decentralized division of the Commission's Permanent Secretariat, shall enjoy in the territory of the Republic of The Gambia, all rights and privileges granted by the present Agreement as well as those

specified in the Convention of the 29th March 1985 which created the Commission, amended on the 14th July 1993 and ratified by the Republic of The Gambia on the 19th March 1998.

ARTICLE 2: Availability of the premises allocated to the Aerial Surveillance Project (AFR-LUX-010-95)

The Government shall guarantee the availability of the premises previously allocated to the Project AFR-LUX-010-95.

ARTICLE 3: Extension of the premises destined to house SOCU.

The Government shall place at the disposal of the Project AFR-LUX-013-99 a piece of land for the extension of the premises mentioned in Article 2 above which will house the offices of SOCU.

ARTICLE 4: Control and Protection

The Head Office of SOCU shall be inviolable. It will be under the control and authority of the Director of SOCU in accordance with the dispositions of the present Agreement.

- a). Government's agents or officials, in the exercise of their official duties, shall only enter SOCU Head Office with the express approval of or on the invitation of the Director of SOCU.

However, in exceptional circumstances or situations of danger threatening public law and order or the security of individuals requiring immediate protective measures, the approval of the Director of SOCU can be considered granted.

- b). SOCU Head Office shall in no circumstances be used as a refuge for persons who:
- are being pursued for a criminal act;
 - are being pursued for the application of a legal decision or for deportation;
 - are trying to escape from the notification of a legal writ.
- c). The Government shall guarantee the peacefulness and security of the Head Office as well as that of any other place where a meeting of SOCU is being held.
- d). SOCU could bring in experts or specialists required for the implementation of its activities, and to engage foreign or Gambian staff on either a temporary or permanent basis.

- e) SOCU shall have the right to fly its flag as well as those of the Commission's member states at its Headquarters and, should the need arise, at SOCU Director's residence.

ARTICLE 5: Immunities and Privileges of the Personnel.

- a). The Senior personnel of SOCU shall enjoy the Rights and Privileges outlined in the present Agreement as well as those stipulated in the Convention of the 29th March 1985 establishing the Sub-regional Fisheries Commission, amended on the 14th July 1993. The Director of SOCU shall periodically provide the government with a list of such personnel.
- b). Without prejudice to the special immunities enjoyed by SOCU senior staff and their families throughout their sojourn or duration of mission in The Gambia, they shall be immune from any attempt by Government to compel them to leave the Gambian territory.
- c). Furthermore, senior staff of SOCU and the experts of the Sub-Regional Fisheries Commission:
- are exempt from all direct taxation on the salaries and allowances paid to them by SOCU;
 - can import duty free, their personal effects, objects and equipment destined for their personal use for six (6) months from the date of their arrival in The Gambia;
 - can, if they are foreigners, import their personal vehicles and use them with temporary license plates within the limit of one vehicle per official or per household; it being understood that in the event of sale to a third party who does not enjoy the same rights and privileges, the said effects, objects, equipment and vehicle will be subjected to payment of all relevant taxes and duty in accordance with the regulations in force in the county;
 - will enjoy, with regards to the rate of exchange, the same facilities as those accorded to officials of the International Organizations working in the Gambia.

ARTICLE 6: Public Services/Utilities

- a). The Government will use its good offices, where it is so requested by the Director of SOCU, in ensuring that the Head Office is, as far as possible, provided with the necessary public utilities/services.
- b). Should those services be interrupted for any reason, the Government shall use all the means at its disposal to ensure that the said interruption does not negatively interfere with the work being done in SOCU'S offices.

ARTICLE 7: Communications and Transport

- a). SOCU shall enjoy equal favourable treatment in its official communications as those granted by Government to all other inter-state organisations.
- b). No official correspondence or other mail emanating from SOCU shall be censored by Government. This right shall be limitless and shall apply to every activity carried out by SOCU – namely, publications, documents, photographs, slides and video films, and other photo imagery or sound as well as radio communications meant for SOCU's official use.
- c). SOCU shall have the right to use codes in sending or receiving its correspondence by post or by official pouch.
- d). SOCU shall have the right to use, for official activities, government's vehicles or instruments of communication at the same rates and conditions as those enjoyed by the International Organizations based in The Gambia.

ARTICLE 8: Equipment, Funds and Assets

- a). The Equipment, Funds and Assets of SOCU shall not be liable to seizure, expropriation, confiscation or freezing except with the express consent of SOCU.
- b). In matters of exchange rates or money transfers, Government shall grant the same facilities to SOCU as those being enjoyed by the officials of the International Organizations based in The Gambia.

ARTICLE 9: Exemptions

- a). SOCU is exempted from the payment of all direct taxes on equipment intended for its official use.
- b). SOCU is exempted from the payment of all taxes, and from import and export restrictions and prohibitions relative to the equipment needed for official use.
- c). However, all equipment imported duty free can be sold in The Gambia only with the approval of Government.

ARTICLE 10: Settlement of Disputes

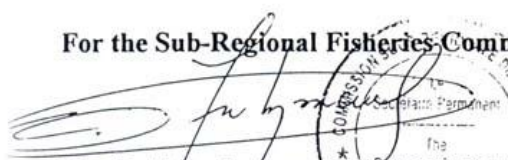
All disputes relating to the interpretation and implementation/application of the present Agreement shall be settled amicably or by any other means mutually agreed upon by the contracting parties


ARTICLE 11: Entry into Force

The present Agreement, the English text being equally valid, shall enter into force temporarily as soon as it is signed and definitively on the fulfillment of the constitutional formalities as required in The Gambia.

Done in Banjul on the 1st April 2021

For the Sub-Regional Fisheries Commission


Mr. Nabi Souleymane **BANGOURA**
Permanent Secretary



The stamp is circular with the text 'COMMISSION DES PÊCHES DE LA SUB-RÉGION DES PÊCHES' around the top edge and 'SUB-REGIONAL FISHERIES COMMISSION' around the bottom edge. In the center, it says 'Le Secrétaire Permanent' and 'The Permanent Secretary'.

For the Government of The Gambia


Dr. M. L. Sedat **JOBE**
Secretary of State for Foreign
Affairs



The stamp is circular with the text 'Dept. of State for Foreign Affairs' around the top edge and 'DEPT. OF STATE FOR FOREIGN AFFAIRS' around the bottom edge. In the center, it features a coat of arms.