

***CONSTITUENT ASSEMBLY OF THE CENTRE FOR MARKETING  
INFORMATION AND ADVISORY SERVICES FOR FISHERY  
PRODUCTS IN LATIN AMERICA AND THE CARIBBEAN***

***(INFOPECA)***

San José, Costa Rica  
17 and 18 February 1994

**FINAL ACT**

## **FINAL ACT**

1. Following the decision taken by the Government Consultation on the future of INFOPESCA that took place in Santiago, Chile on 30 November 1992, the Director-General of the Food and Agriculture Organization of the United Nations (FAO) called for a Constituent Assembly to examine and adopt a draft Constitution of the Centre for Marketing Information and Advisory Services for fishery products in Latin America and the Caribbean (INFOPESCA).
2. The Constituent Assembly took place in San José, Costa Rica, on 17 and 18 February 1994 at the invitation of the Government of Costa Rica.
3. The Governments of the following States were represented:  
  
Belize, Costa Rica, Guatemala, Honduras, México, Nicaragua, Perú, Trinidad and Tobago, Uruguay and Venezuela.
4. The Governments of the following States were represented by observers:  
  
Argentina, Chile and Colombia.
5. The Director-General of the Food and Agriculture Organization of the United Nations was represented by Mr. Constantino Tapias, FAO Representative in Costa Rica.
6. Mr. Herbert Nanne, Director a.i. Fisheries Resources and Aquaculture Division, Ministry of Agriculture and Livestock, addressed the Assembly at its inaugural ceremony.
7. The Assembly elected Mr. Sergio Pacheco Echandi, representative of Costa Rica, as President and the representatives of Argentina, México and Trinidad and Tobago as Vice-Presidents.
8. The Assembly set up a Credentials Committee composed of:  
  
Belize, Costa Rica, Guatemala, Uruguay and Venezuela.
9. The Draft Constitution referred to in the first paragraph of this Final Act, prepared by the Secretariat of FAO, was broadly discussed and adopted by the Constituent Assembly, as reproduced in Annex I to this Final Act. The Constitution was opened for signature on 18 February 1994.
10. The Constituent Assembly also adopted the resolutions reproduced as Annexes II, III and IV to this Final Act.

IN WITNESS WHEREOF the duly authorized representatives of the States  
whose names appear hereunder have signed this Final Act.

For Antigua and Barbuda

For Argentina

For Bahamas

For Barbados

For Belize

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For Bolivia

For Brazil

For Chile

For Colombia

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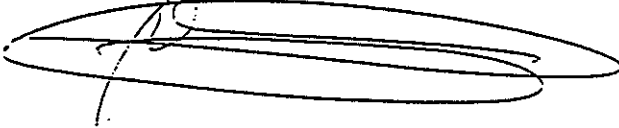
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For Honduras

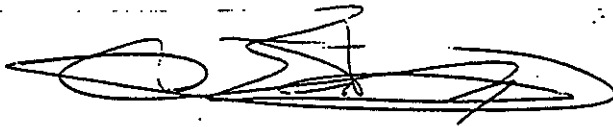
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For Mexico

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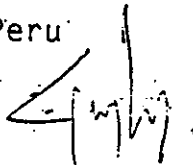
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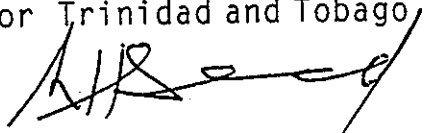
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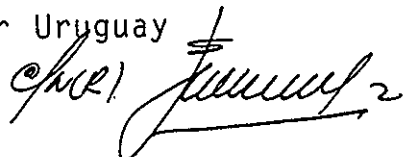
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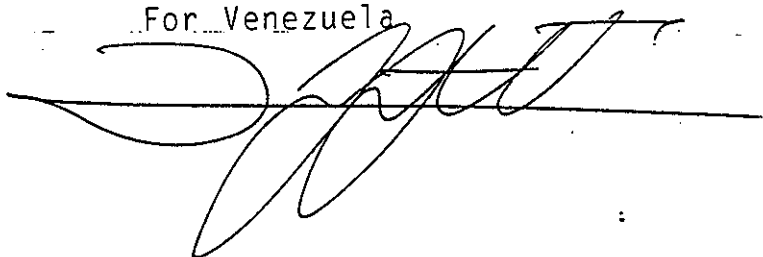
For Trinidad and Tobago



For Uruguay



For Venezuela



Done in San José, Costa Rica, this Eighteenth Day of February Nineteen Ninety Four, in a single copy in English, French and Spanish, being all the three equally authentic.

The original texts are deposited in the Archives of the Food and Agriculture Organization of United Nations (FAO).

**CENTRE FOR MARKETING INFORMATION AND ADVISORY SERVICES  
FOR FISHERY PRODUCTS IN LATIN AMERICA AND THE CARIBBEAN  
(INFOPECA)**

**CONSTITUTION**

**PREAMBLE**

The Contracting Parties,

**Conscious** of the importance of fisheries and aquaculture for the development of the countries of Latin America and the Caribbean;

**Recognizing** that the majority of the countries of Latin America and the Caribbean would gain significantly from the development of their fishery sectors and that this could depend in part on the establishment of an information and advisory service on the international fishery market, thereby better balancing market supply, promoting a more advantageous price structure and stimulating a more appropriate use of fishery resources;

**Conscious** that the promotion and success of such results can be accelerated through regional cooperation;

**Considering** that the best means of achieving such cooperation is to establish an intergovernmental organization that conducts its activities in collaboration with States, other intergovernmental organizations, non-governmental organizations, institutions and private enterprises that may be able to provide financial and technical support;

**Have agreed** to establish the Centre for Marketing Information and Advisory Services for Fishery Products in Latin America and the Caribbean, hereinafter referred to as "INFOPECA", which shall be organized and shall function in accordance with the present Constitution:

**ARTICLE 1**

**Definitions**

For the purpose of this Constitution:

- a) "Members" means Member States and the Associate Members referred to in Article 6;
- b) "Statutes" means the Statutes of the Centre as approved by its General Assembly;

- c) "Chairman" means Chairman of the General Assembly and of the Executive Committee;
- d) "Institution" means any national or international body or other public organization involved in fisheries and aquaculture;
- e) "Region" (or "regional") means the Region of Latin America and the Caribbean.

## **ARTICLE 2**

### **Objectives**

The objectives of INFOPESCA shall be: to provide information and advisory services on the marketing of Latin American and Caribbean fishery products, so that its Members may participate more gainfully in the world fish market; to provide assistance in the processing and quality control, in accordance with market needs; and to enhance product quality.

## **ARTICLE 3**

### **Functions**

In pursuit of its objectives, INFOPESCA shall:

- a) provide its Members with information on market opportunities and prospects for the supply of fishery products both within and outside Latin America and the Caribbean;
- b) advise on technical product specifications, processing methods and quality standards in accordance with market requirements, as requested by its Members;
- c) promote the exchange of experiences between countries from the region and from outside the region on technological progress and marketing matters;
- d) examine and develop new market opportunities for non- or under-utilized species and fishery products;
- e) assist in the planning and execution of national and regional fish market research and information activities;
- e) train Member State officials and staff as well as personnel of Associate Members of INFOPESCA in market development, and strengthen the institutions associated with the sector.



## **ARTICLE 4**

### **Headquarters**

1. The seat of the Centre shall be in the State indicated in the Headquarters Agreement, which appears as an Annex to this Constitution. However, if on the date on which this Constitution enters into force, the host country is still not a party to the Constitution, the seat of the Centre shall be determined by the General Assembly by a two-thirds majority of its Member States.
2. The General Assembly could decide about the usefulness to establish sub-regional offices or representations in countries other than the host country, in accordance with Article 10(r).

## **ARTICLE 5**

### **Legal status, privileges and immunities**

1. INFOPESCA shall be a non-profit, intergovernmental independent organization with the juridical personality and capacity to engage in any legal process as may be necessary or fit for the performance of its functions or the exercise of its duties as conferred by this Constitution, in particular the capacity to contract, acquire or alienate movable and real estate and be party to legal processes.
2. Each Member State of INFOPESCA shall grant:
  - a) the Centre and its property, funds and assets, the privileges, immunities and facilities that it needs to undertake its activities; and
  - b) the representatives of the Member States that perform official functions on behalf of the Centre, and the Director and staff of INFOPESCA, the privileges, immunities and facilities that they need to perform their official functions.
3. Without prejudice to paragraph 2, the Host State undertakes to grant the privileges, immunities and facilities stipulated in the Headquarters Agreement which is attached in the Annex to this Constitution. The Host State shall also make available to the Centre an annual financial contribution, as stipulated in the Headquarters Agreement, to cover the costs of the facilities and services that are needed for its optimum functioning. This contribution shall be administered by INFOPESCA.
4. Any dispute arising from any agreement, including disputes in respect of terms and conditions of employment, reached between the Centre and any natural or juridical person that cannot be resolved by negotiation or conciliation, and in respect of which the Centre has not waived its legal immunity, shall, unless the parties agree to some other means of resolution, be submitted to arbitration in accordance with the provisions laid down to this effect by the General Assembly.

5. The waiving of any immunity granted to a person by virtue of this Article or the Annex to this Constitution shall be effected in accordance with established international practice.

## **ARTICLE 6**

### **Members**

1. There shall be two categories of membership of INFOPESCA: Member States and Associate Members.
2. The Member States shall be the States of Latin America and the Caribbean that have signed the Constitution or that have acceded to the said Constitution by depositing an instrument of accession with the Depositary, in addition to those States outside the Region that are admitted in accordance with paragraph 5 of this Article.
3. Associate Member status shall be granted to:
  - a) any intergovernmental international organization that is directly concerned;
  - b) any educational or research institute that is involved in fisheries and aquaculture;
  - c) any national or regional bank or financial institution that intervenes or may intervene actively in the funding of programmes or projects related to fisheries, the fishery industry and to aquaculture;
  - d) any regional organization involved in fishery and aquaculture research, technical assistance, financial aid or development;
  - e) any juridical person that operates in or is associated with the fisheries and aquaculture sector in Latin America and the Caribbean;
  - f) any national or regional, public or private institution with an established involvement in commercial fisheries development.
4. The founding Members of INFOPESCA shall be the States of Latin America and the Caribbean participating in the Constituent Assembly of INFOPESCA that have signed, or acceded to this Constitution.
5. The General Assembly of the Centre may, with a two-thirds voting majority of the Member States present, authorize any State outside the Region to sign the Constitution or accept its accession to the said Constitution, or admit as Associate Member any entity as specified in paragraph 3 above that has submitted an application for membership.

## **ARTICLE 7**

### **Member rights and obligations**

1. All Members shall have the right to:
  - a) participate in the sessions of the General Assembly and in any other meeting convened by INFOPESCA to discuss the objectives and functions of the Centre;
  - b) take the floor and formulate observations in the sessions of the General Assembly and in any other meeting convened by INFOPESCA;
  - c) request and receive, within the framework of INFOPESCA, information on matters of interest to themselves and of relevance to INFOPESCA;
  - d) receive the publications of INFOPESCA and have access to the information that it compiles.
2. All the Members shall:
  - a) adhere to their financial commitments to INFOPESCA;
  - b) collaborate in the constitution of the subsidiary bodies of INFOPESCA;
  - c) respond promptly to requests for information made by INFOPESCA;
  - d) undertake any mission entrusted to them by the General Assembly;
  - e) collaborate with INFOPESCA in the pursuit of its objectives and in the performance of its functions.

## **ARTICLE 8**

### **Constituent bodies of the Centre**

1. INFOPESCA shall comprise the following bodies:
  - a) the General Assembly;
  - b) the Executive Committee;
  - c) the Consultative Committee;
  - d) the subsidiary bodies established by the General Assembly or the Executive Committee.
2. The Statutes of the Centre, which shall be approved by the General Assembly in accordance with Article 11(d), shall, *inter alia*, determine the rules of procedure of the various bodies of INFOPESCA.

## **ARTICLE 9**

### **The General Assembly**

1. The General Assembly shall comprise all the Members of INFOPESCA. Each Member shall be represented at the General Assembly by one delegate, who may be assisted by technical experts and advisers. The Member States shall strive to include representatives of the private sector in their delegations.
2. The General Assembly shall hold one ordinary session every two years at such time and place as it shall determine.
3. Extraordinary sessions of the General Assembly may be convened in accordance with the Statutes of INFOPESCA.
4. The General Assembly shall elect a Chairman from among the Member States of INFOPESCA. The Vice-Chairman, who has voice and right to vote, shall also be elected by the General Assembly and shall be a representative of the Associate Members. In case there is no candidature in this respect, the General Assembly will choose a Vice-Chairman from among the Member States. The mandate of the Chairman and the Vice-Chairman will be for a period of two years, renewable for one term only.
5. Each Member State shall have one vote while Associate Members will only have the right to voice. Unless expressly stipulated otherwise in this Constitution, all decisions of the General Assembly shall be adopted by a simple majority of votes cast. A simple majority of the Member States shall constitute a quorum.

## **ARTICLE 10**

### **Functions of the General Assembly**

The General Assembly shall:

- a) appoint the Director of the Centre;
- b) appoint an Auditor whose mandate shall last until the subsequent ordinary session of the General Assembly;
- c) elect the members of the Executive Committee;
- d) approve the Statutes of the Centre, the Financial Regulations and the Staff Regulations determining the general terms and conditions of employment of the staff;
- e) define the policy of the Centre and approve its Programme of Work and Budget;
- f) examine the report on the activities of the Centre;

- g) examine and approve the financial report of the Centre;
- h) examine and approve the report of the Auditor;
- i) approve the admission of new Members of the Centre, in accordance with Article 6.5;
- j) examine and approve rules and regulations governing the activities of the Centre and of its bodies;
- k) determine the admission quotas, the annual quotas and the annual contribution to be paid by the Members of the Centre;
- l) approve special agreements with governments, international organizations and other institutions;
- m) amend, as necessary, this Constitution and the Headquarters Agreement in Annex, in accordance with the provisions laid down in Article 19;
- n) adopt rules and regulations to govern the resolution of disputes, as referred to in Article 20;
- o) examine and rule on any issue placed before it by the Executive Committee;
- p) examine other matters related to the objectives and activities of the Centre, as it sees fit;
- q) establish or approve the formation of any subsidiary bodies that it considers necessary to attain the objectives or perform the functions of the Centre;
- r) establish sub-regional offices or representations which are considered necessary to achieve and fulfil the objectives and functions of the Centre;
- s) decide on any merger of INFOPESCA with any other intergovernmental organization which has similar objectives. Any such decision has to be taken by a majority of three quarters of the votes cast. In addition, this majority has to be more than half the number of Member States.

## **ARTICLE 11**

### **Functions of the Chairman**

The Chairman shall preside over the meetings of the General Assembly and the Executive Committee. In the absence or incapacity of the Chairman, the Vice-Chairman shall exercise the functions of the Chairman.

## **ARTICLE 12**

### **Executive Committee**

1. The Executive Committee shall comprise the Chairman and the Vice-Chairman of the General Assembly, together with three representatives of the Members who shall be elected by the General Assembly for a period of two years, renewable for one further term only. Not more than two members of the Executive Committee can be representatives of the Associate Members. The Executive Committee will hold at least one regular meeting a year and Extraordinary Sessions as considered appropriate. It will also meet immediately before and after each General Assembly Meeting.
2. The non-governmental Members of the Executive Committee shall be experts in areas related to the marketing and trade of fishery products.
3. The representatives of the Associate Members in the Executive Committee shall have the right to vote in the meetings of the Executive Committee. The Director of INFOPECA shall also participate in the meetings of the Executive Committee.
4. The Executive Committee shall have the authority to examine requests for admission as Associate Members of the Centre and to admit new Members subject to approval by the General Assembly in its next session.
5. During the period between the sessions of the General Assembly, the Executive Committee shall be responsible for directing the activities of the Centre. For this purpose, it shall:
  - a) advise the Director of the Centre on implementation of the policy and decisions adopted by the General Assembly;
  - b) meet at least once a year and deliberate matters placed before it by the Director of the Centre. In the event of a matter requiring urgent attention, the Director of the Centre may refer the matter to the members of the Executive Committee by correspondence or by any other rapid means of communication so that a vote by correspondence can be effected;
  - c) adopt appropriate measures and regulations required for the realization of the work of the Centre and its subsidiary bodies, on condition that such measures and regulations comply with this Constitution, with the Statutes and with other rules or regulations approved by the General Assembly;
  - d) make the necessary and appropriate arrangements for the funding and functioning of the Centre;
  - e) examine the activities of the Centre;
  - f) establish, subject to endorsement by the General Assembly, the subsidiary bodies that it considers necessary to achieve the objectives and fulfil the functions of the Centre;

- g) convene extraordinary meetings of the General Assembly;
  - h) present the General Assembly with a report on the activities of the Centre and their results;
  - i) put forward recommendations to the General Assembly on matters related to the functions of the General Assembly;
  - j) perform other functions as determined by the General Assembly.
6. All decisions of the Executive Committee shall be adopted by a simple majority of the votes cast. Two-thirds of the Members of the Executive Committee shall constitute a quorum.

### **ARTICLE 13**

#### **Consultative Committee**

1. The Consultative Committee shall comprise six members elected for a two-year term by the General Assembly in their personal capacity and on account of their expertise in fishery and aquaculture matters.
2. The members of the Consultative Committee shall be nationals of the Member States and representatives of the Associate Members.
3. The Consultative Committee shall convene whenever called either by the General Assembly, the Executive Committee or the Director of the Centre.
4. The Consultative Committee shall elect a Chairman from among its members at each of its meetings.
5. The travel and per diem expenses of the members, when attending meetings of the Consultative Committee, shall be borne by the Centre.
6. The Consultative Committee shall advise on all technical aspects of fisheries and aquaculture referred to it by the General Assembly, the Executive Committee or the Director of the Centre.
7. After each meeting, the Chairman of the Consultative Committee shall draft a report on its deliberations and findings.

### **ARTICLE 14**

#### **The Director and Staff**

1. The Centre shall have a Director appointed by the General Assembly on such conditions as it may determine. Appointment to the office of Director shall be for a period of four years. This term may be renewed by decision of the General Assembly. The Director may be a national of a State that is not a Member.

2. The Director shall be the legal representative of INFOPESCA. He shall direct the work of INFOPESCA in accordance with the policy and decisions adopted by the General Assembly, and under the guidance of the Executive Committee.
3. The Director shall submit to each ordinary session of the General Assembly, through the Executive Committee:
  - a) a report on the work of INFOPESCA and on the corresponding accounts; and
  - b) a draft programme of work of INFOPESCA and a draft budget, subject to prior examination by the Executive Committee.
4. The Director shall prepare and organize the sessions of the General Assembly and of the Executive Committee in coordination with the Chairman, in addition to the meetings of the Consultative Committee and all other meetings of the Centre. He shall provide the secretariat for such meetings, which he shall have the right to attend.
5. The Director will inform the Associate Members on all information that is being provided to the Member States by the Depository, with regard to, *inter alia*, signature, accession to the Constitution and proposals for amendments to this Constitution.
6. The General Assembly may, if it deems fit, accept that the Director and the technical and support staff of INFOPESCA be persons seconded to the Centre by a State, an international organization or other institution.
7. The staff members of INFOPESCA shall be appointed by the Director in accordance with policies, general standards and guidelines determined by the General Assembly. When appointing the staff of INFOPESCA, the Director should ensure maximum efficiency, professional competence and integrity, and grant preference to nationals of the Member States.
8. The staff of INFOPESCA shall report to the Director. The staff shall not seek or receive instructions regarding the performance of their duties from any authority external to INFOPESCA. No staff member may engage in external commercial activities related to the exploitation, use and trade of fishery products or in any other activity that may be incompatible with the independence, autonomy and integrity that are required by his functions in INFOPESCA.

## **ARTICLE 15**

### **Finances**

1. The financial resources for the facilities and functioning of the Centre may derive from:
  - a) the annual contribution of the Member States to the budget of the Centre and the admission quotas of new Member States;



- b) the admission quotas and annual quotas that shall be paid by the Associate Members;
  - c) income from remunerated services provided, in particular:
    - subscriptions to the publications of the Centre;
    - the sale of information;
    - paid advertisements in the publications of the Centre;
    - fees for its technical services; and
    - income from conferences, meetings or fora sponsored by the Centre;
  - d) voluntary contributions from the Members;
  - e) subventions from States, international organizations, institutions, foundations and individuals;
  - f) donations and legacies, provided that these do not run counter to the objectives of the Centre;
  - g) other resources approved by the General Assembly and compatible with the objectives of the Centre.
2. The Member States and Associate Members that subsequently accede to INFOPESCA as an independent intergovernmental organization shall pay an admission quota that shall be determined by the General Assembly.
  3. The Members shall undertake to pay the annual contributions, admission quotas, annual quotas and all sums due to the Centre in freely convertible currency.
  4. At each session, the General Assembly shall approve the budget of INFOPESCA by a majority of two-thirds of the votes cast and on condition that these represent no fewer than half the total number of Member States of the Centre, and shall determine the admission quotas, annual quotas and the total sum of contributions for the following biennium.
  5. The General Assembly shall determine a scale of annual contributions for the Member States, to be approved by a majority of two-thirds of the votes cast on condition that these represent no fewer than half the total number of Member States of the Centre, taking into account the total value of fish and shellfish exports and imports of each Member State as reported in the annual statistics of FAO. These annual contributions shall be divided into four categories:
    - a) Countries with a total value of fish and shellfish exports and imports of over US\$ 500 million. These shall pay a quota of US\$ 15 000.
    - b) Countries with a total value of fish and shellfish exports and imports of between US\$ 250 million and US\$ 500 million. These shall pay a quota of US\$ 10 000.

- c) Countries with a total fish and shellfish export and import value of between US\$ 100 million and US\$ 250 million. These shall pay a quota of US\$ 5,000.
  - d) Countries with a total fish and shellfish export and import value of less than US\$ 100 million. These shall pay a quota of US\$ 3 000.
6. The General Assembly shall determine the annual and admission quotas for Associate Members in accordance with the classification in Article 6.3.

## **ARTICLE 16**

### **Observers**

1. Upon request of the General Assembly or the Executive Committee, the Director shall invite non-Member States and regional or world organizations and institutions to attend the meetings of the General Assembly, the Executive Committee and the subsidiary bodies as observers.
2. All national, regional or world, public or private institutions may, subject to prior application in writing to the Executive Committee, be authorized to attend the meetings of the General Assembly, the Executive Committee and the subsidiary bodies as observers.
3. Observers shall not have the right to vote and may only take the floor on matters within their field of competence and by invitation of the Chairman of the meeting in question.

## **ARTICLE 17**

### **Agreements and relations with States, international organizations and other institutions**

1. INFOPESCA shall seek to establish an agreement with the Food and Agriculture Organization of the United Nations (FAO) and to build a close working relationship with the FAO Network of Regional Fish Marketing Information and Technical Advisory Services.
2. INFOPESCA shall accept that a representative of the Food and Agriculture Organization of the United Nations, appointed by its Director-General, shall participate in all its meetings, but without the right to vote.
3. Efforts shall be made to establish cooperation between INFOPESCA and other international fisheries and aquaculture institutions that can contribute towards the work of INFOPESCA, and all governmental and non-governmental institutions and organizations whose interests and activities are compatible with the objectives of INFOPESCA.

4. Acting under the authority of the Executive Committee, the Director may engage in working relations with such institutions and organizations and adopt all the measures needed to ensure effective cooperation. Any official agreement that may be reached with such institutions and organizations shall be submitted to the General Assembly for its consideration and, where appropriate, for its approval.

## **ARTICLE 18**

### **Statutes and special regulations**

1. To enable INFOPESCA to perform its functions, as set out in this Constitution, the General Assembly shall adopt Statutes governing, in particular:
  - a) the rules of procedure of the General Assembly, the Executive Committee, the Consultative Committee and the subsidiary bodies established by the General Assembly or the Executive Committee;
  - b) the procedure for the election of the Chairman and the Vice-Chairman of the General Assembly, and the procedure for the election of the members of the Executive Committee and Consultative Committee;
  - c) the procedure for the appointment of the Director;
  - d) the financial management;
  - e) the procedures for the auditing of accounts and for the appointment of an auditor;
  - f) amendments to the Statutes;
  - g) the modalities of payment of the admission quotas, annual quotas and annual contributions of the Members.
2. The Statutes shall be supplemented by Financial Regulations, Staff Regulations and special regulations to be approved by the Executive Committee when necessary and in respect of:
  - a) the administration of INFOPESCA staff, in particular recruitment and promotion;
  - b) the financial administration, in particular matters such as the opening of a bank account, the drawing up of accounts and balance sheets and travel subsidies;
  - c) the procedures for concluding contracts and agreements with other institutions;
  - d) the procedure for accepting donations.

## **ARTICLE 19**

### **Amendments**

1. The General Assembly may amend this Constitution by a three-quarters majority of votes cast on condition that this majority is superior to half of the total number of Member States.
2. Proposals for the amendment of this Constitution may be presented by the Executive Committee or by any Member State of INFOPESCA, in the latter case through communication to the Depositary. The Depositary shall promptly notify all the Members and the Director of the Centre of the proposed amendment. No amendment proposal shall be included in the agenda of the General Assembly unless it has been brought to the attention of the Members of INFOPESCA by the Depositary at least 60 days before the opening of the session of the General Assembly. The Depositary shall be notified without delay of the approval of any amendment.
3. Amendments shall take effect, with respect to the Members, on the date decided by the General Assembly at the time of their approval.
4. The Annex to this Constitution may only be amended in the manner specified therein.

## **ARTICLE 20**

### **Interpretation and settlement of disputes**

All disputes between Members of INFOPESCA concerning the interpretation or application of the provisions of this Constitution which the parties concerned are unable to settle by negotiation, conciliation or similar procedure, should be referred to the General Assembly whose decision shall be final.

## **ARTICLE 21**

### **Withdrawal, suspension, exclusion and dissolution**

1. Any Member may withdraw from INFOPESCA one year after the date of its accession by presenting the original and a copy of the notification of withdrawal to the Depositary. Withdrawal shall take effect one year after the date of reception of the written notice.
2. Any Member of INFOPESCA with two years of arrears in the payment of annual contributions or quotas shall be suspended until the total of such arrears has been paid.
3. Any Member that continues to default on any of the obligations contracted by virtue of this Constitution may be temporarily excluded from INFOPESCA if so decided by the General Assembly.

4. The Constitution of INFOPESCA may be denounced and the Centre may be dissolved by decision of a three-quarters majority of its Member States.
5. As soon as possible after the dissolution of INFOPESCA, once all its obligations have been satisfied and the balance of any donated funds has been returned to the donor, its assets shall be distributed among existing Members at the time of dissolution, in proportion to the annual contributions and quotas made in the year during which the dissolution takes effect. Should the assets of INFOPESCA, excluding the balance of unused donated funds which shall be returned to the donors, be insufficient to meet its obligations, all the Members shall be responsible for meeting outstanding obligations in the proportion mentioned above.

## **ARTICLE 22**

### **Signature, accession and entry into force**

1. The States of Latin America and the Caribbean may become parties to this Constitution by:
  - a) signing the Constitution; or
  - b) depositing an instrument of accession.
2. This Constitution shall be open for signature in San José, Costa Rica, on 18 February 1994 and shall thereafter be open for signature at FAO Headquarters in Rome.
3. The instruments of accession shall be deposited with the Director-General of FAO.
4. This Constitution shall enter into force, with respect to all the States that have signed it or acceded thereto, on the date when the Governments of at least five States of Latin America and the Caribbean have signed it or deposited their instruments of accession. Any other State shall be party to the Constitution on the date of signature of the Constitution or of deposit of its instrument of accession.

## **ARTICLE 23**

### **Depositary**

1. The Director General of the Food and Agriculture Organization of the United Nations shall be the Depositary of this Constitution.

The Depositary shall:

- a) send certified copies of this Constitution to the Governments of Latin America and the Caribbean, and to any other Government which so requests;

- b) arrange for the registration of this Constitution, upon its entry into force, with the Secretariat of the United Nations, in accordance with Article 102 of the United Nations Charter; and
- c) inform the States of Latin America and the Caribbean of:
  - i) the signature of this Constitution and the deposit of instruments of accession, in accordance with Article 22.1;
  - ii) the date of entry into force of this Constitution, in accordance with Article 22.4;
  - iii) proposals for the amendment of this Constitution and approval of amendments, in accordance with Article 19;
  - iv) notices of withdrawal from the Centre, in accordance with Article 21.1.

2. The original of this Constitution shall be deposited in the archives of the Food and Agriculture Organization of the United Nations in Rome.

#### **ARTICLE 24**

##### **Official languages**

The official languages of the Centre shall be Spanish, French and English. The working language shall be Spanish.

#### **ARTICLE 25**

##### **Annex**

The attached Headquarters Agreement shall constitute an integral part of this Constitution.

Done in San José, Costa Rica, on 18 February 1994, in a single copy in the Spanish, French and English languages, each version being equally authentic.

## **ANNEX TO THE CONSTITUTION OF INFOPESCA**

### **HEADQUARTERS AGREEMENT**

#### **Recognition of the Centre for Marketing Information and Advisory Services for Fishery Products in Latin America and the Caribbean (INFOPESCA) and concession of privileges and immunities by the Host State**

### **INTRODUCTION**

Pursuant to paragraph 3 of Article 5 of this Constitution and without prejudice to paragraph 2 of Article 5, the present Annex lists the additional rights and obligations of the Host State. These shall apply to the State referred to in Part B for as long as it is the Host State.

### **PART A**

#### **GENERAL PROVISIONS**

##### **Section 1: Privileges, immunities and facilities accorded to INFOPESCA**

1. Without prejudice to Article 5, paragraph 3 of this Constitution, the Host State undertakes to accord the following privileges, immunities and facilities to INFOPESCA and to its property, funds and assets, wherever these may be located in that State:
  - a) immunity from legal process, except insofar as in any particular case INFOPESCA has expressly waived immunity;
  - b) immunity from search, requisition, confiscation, expropriation and any other form of interference;
  - c) freedom to hold funds or currency of any kind, to operate accounts in any currency, to transfer funds or foreign currency within the Host State or abroad, and to convert foreign currency into any other currency;
  - d) without prejudice to any appropriate security measure adopted by mutual agreement between the Host State and INFOPESCA, freedom from censorship of official correspondence and other official communications;

- e) exemption from all direct and indirect taxes on property, income and official transactions of INFOPESCA, except taxes that are no more than charges for services rendered;
  - f) exemption from customs duties and from prohibitions and restrictions on imports and exports in respect of articles imported or exported by INFOPESCA, or on publications issued by INFOPESCA, for official purposes.
2. The Host State shall exercise due diligence to ensure that the security and tranquillity of the premises of INFOPESCA are not in any way impaired and shall, at the request of the Director of INFOPESCA, provide adequate police protection, where necessary.
  3. INFOPESCA shall enjoy, for its official communications, treatment no less favourable than that accorded to any other organization or government, including the diplomatic mission of such other government, in the Host State, in the matter of priorities and rates for mail, cables, telephone and other communications.

**Section 2: Privileges, immunities and facilities to be accorded to official representatives, the Director and staff of INFOPESCA, experts and consultants**

1. Without prejudice to Article 5, paragraph 2(b) of this Constitution, the Host State undertakes to accord the following privileges, immunities and facilities:
  - a) to the representatives of any Member State or Associate Member of INFOPESCA and of any international organization or institution, with respect to the performance of their official duties in connection with the work of INFOPESCA:
    - i) immunity from personal arrest or detention, except in the case of flagrancy, and from seizure of their personal baggage and, in respect of all acts done by them in their official capacity, including words spoken or written, immunity from legal process of any kind;
    - ii) inviolability of all papers and documents;
    - iii) exemption, in respect of themselves and their spouses, from immigration restrictions, alien registration or national service obligations;
    - iv) the same exemptions in respect of currency and exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;
  - b) to the Director, staff, experts and consultants of INFOPESCA:
    - i) immunity from legal process in respect of all acts done by them in their official capacity, including words spoken and written;



- ii) exemption from taxation on salaries and emoluments paid by INFOPESCA;
  - iii) immunity, together with their spouses and dependants, from immigration restrictions and alien registration;
  - iv) together with their spouses and dependants, the same repatriation facilities in time of crisis as officials of comparable rank of diplomatic missions;
  - v) provided that they are not nationals of the Host State, the right to import free of duty their furniture and personal effects, including one car, at the time of first taking up their post in INFOPESCA, as well as replacements of such furniture and personal effects, including the car, at such intervals as are mutually agreed upon by INFOPESCA and the Government of the Host State.
2. In addition to the privileges and immunities referred to in paragraph 1, the Director, staff, experts and consultants of INFOPESCA, provided that they are not nationals of the Host State, shall enjoy the same privileges in respect of exchange facilities as are accorded to officials of comparable rank of diplomatic missions.
  3. Subject to the application of measures for the maintenance of public health and security agreed upon between the Host State and INFOPESCA, the Host State shall impose no impediment on the entry into, sojourn in and departure from its territory of the representatives of the Member States or Associate Members of INFOPESCA and of the international organizations or institutions referred to in paragraph 1(a) or of their spouses, or of the Director, staff, experts and consultants of INFOPESCA, or of their spouses and dependants, or of any person visiting INFOPESCA in connection with its work.
  4. Any visa required by any person referred to in paragraph 3 shall be granted or extended promptly and without charge.

### **Section 3: Enforcement of the law of the Host State**

INFOPESCA shall cooperate with the appropriate authorities of the Host State to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuses in connection with the privileges, immunities and facilities conferred pursuant to Article 5, paragraph 2 of this Constitution or by virtue of this Annex. INFOPESCA shall examine without delay any request made by the Host State for the waiving of immunity.

### **Section 4: Amendments to this Part**

1. Subject to paragraph 2, the present Part A of this Annex may be amended in the manner set forth in Article 19 of this Constitution.

2. Notwithstanding any other provision of this Constitution, including the present Annex, no amendment to this Part may be adopted unless the Host State has expressly agreed thereto.

## **PART B**

### **SPECIFIC PROVISIONS CONCERNING THE HOST STATE**

#### **Section 1: INFOPESCA premises and related facilities**

1. The seat of INFOPESCA shall be located in Montevideo, Oriental Republic of Uruguay.
2. In fulfilment of its obligations in accordance with Article 5, paragraph 3 of the Constitution of INFOPESCA, the Host State undertakes to provide:

##### **HEADQUARTERS:**

Office space with the necessary facilities for personnel and appropriate to the activities to be carried out. Located in an accessible and representative area of the City of Montevideo.

##### **PERSONNEL:**

Ten (10) staff members of which: one National Liaison Officer between the Government of Uruguay and INFOPESCA; two technical officers (one fish technologist and one marketing expert); two computer operators; one bilingual secretary; two administrative secretaries; one librarian and one janitor.

##### **EQUIPMENT:**

US\$ 10 000 (ten thousand US dollars) destined for office furniture, photocopier, printing machine, telephone, telefax, computers, etc.

##### **CONTRIBUTION:**

US\$ 35 000 (thirty five thousand US dollars) annually, to cover costs of maintenance of the headquarters, concierge, cleaning of the building, electricity, water, gas, heating, communications, and other assistance to the activities of the Centre.

#### **Section 2: Privileges, immunities and facilities**

1. The taxes referred to in Section 1, paragraph 1(e), of Part A shall include customs duties and dues on the vehicles, furniture and equipment of the Centre. Likewise,

legacies and donations, and in particular anything considered necessary by INFOPESCA for its establishment and for the attainment of its objectives, shall also be exempt from such taxes and dues.

2. Any funds or property transferred by INFOPESCA for educational or scientific purposes to any natural person or non-profit organization shall be exempt from the payment of taxes by such person or organization.
3. Staff members of INFOPESCA, including the Director, may, provided that they are not nationals of the Host State, maintain assets outside the Host State and be exempt from any form of taxation on income derived from such sources outside the Host State or on property outside the Host State. They shall furthermore be exempt from national service obligations.
4. The Host State shall adopt the legislation necessary to give effect to the legal qualification of INFOPESCA and to the privileges, immunities and facilities referred to in this Constitution, including the present Annex.

### **Section 3:                   Amendment to this Part**

1. Subject to paragraph 2, the present Part B of this Annex may be amended in the manner set forth in Article 19 of this Constitution.
2. Notwithstanding any other provision of this Constitution, including the present Annex, no amendment to this Part may be adopted unless the Host State has expressly consented thereto.

## RESOLUTION 1

The Constituent Assembly of The Centre for Marketing Information and Advisory Services for Fishery Products in Latin America and the Caribbean (INFOPESCA)

**Having adopted** the Constitution of the Centre for Marketing Information and Advisory Services for Fishery Products in Latin America and the Caribbean (INFOPESCA);

**Being aware** of the need to implement the provisions of the Constitution immediately upon termination of the project INFOPESCA on 31 March 1994;

**Being further aware** of the special efforts made by the Government of Panama and by FAO in favor of the INFOPESCA project;

**Taking into consideration** the difficulties that will be encountered during the start-up period of the Centre;

**Being equally aware** of the experience gained by FAO in establishing similar organizations in other regions;

### **Recommends:**

- a) That FAO take all necessary steps for the effective establishment of the Centre for Marketing Information and Advisory Services for Fishery Products in Latin America and the Caribbean (INFOPESCA) and submits to the first session of its General Assembly a draft text of all regulations and other legal instruments provided for in the Constitution of INFOPESCA as well as a draft programme of work and a draft budget;
- b) That FAO, in cooperation with States, Intergovernmental Organizations, or other institutions take an active part in the establishment of the Centre and provide its full support;
- c) That FAO envisages the conclusion with INFOPESCA of a cooperation agreement under Article XIII of the FAO Constitution.

## RESOLUTION 2

The Constituent Assembly of The Centre for Marketing Information and Advisory Services for Fishery Products in Latin America and the Caribbean (INFOPESCA),

**Aware** of the efforts made by the Government of the Oriental Republic of Uruguay, that has offered itself as host country for INFOPESCA,

**Wishes to thank and congratulate** the Government of the Oriental Republic of Uruguay for its proposal to be the Host Country of the Centre.

### RESOLUTION 3

The Constituent Assembly of The Centre for Marketing Information and Advisory Services for Fishery Products in Latin America and the Caribbean (INFOPESCA),

Taking into consideration that the efforts of regional fishing intergovernmental organizations with common objectives and goals should be unified,

Recognizing the challenge that the normalization and application of steps to promote the international fish commerce poses for the Latin American and Caribbean countries,

Aware of the task performed by international, regional and national organizations in this field,

**Recommends:**

That INFOPESCA work in harmony and cooperation with all organizations and institutions that have similar projects or programs or that are in tune with those contained in INFOPESCA's objectives.