

**AGREEMENT
BETWEEN
THE GOVERNMENT OF THE
REPUBLIC OF SENEGAL
AND
THE GOVERNMENT OF THE
REPUBLIC OF THE GAMBIA IN THE
FIELD OF FISHERIES AND
AQUACULTURE**

AA



REPUBLIC OF

THE GAMBIA

**THE GOVERNMENT OF THE REPUBLIC OF SENEGAL
AND
THE GOVERNMENT OF THE REPUBLIC OF THE GAMBIA**

DESIRING to consolidate the ties of friendship and solidarity between the two countries;

AWARE of their common membership to the same maritime region and the shared nature of fish stocks in the area;

MINDFUL of the necessity to develop and strengthen their cooperation in the fields of fisheries and related activities;

CONVINCED that the friendship and fraternal cooperation between the two countries will contribute to promoting inter-African economic cooperation;

CONSIDERING this Agreement as the instrument which henceforth govern their relations in the field of fisheries, aquaculture and other related activities;

HAVE AGREED AS FOLLOWS:

Article 1

The Government of each State shall enable artisanal fishermen of the other State to fish in the waters under its jurisdiction, under the same conditions as its nationals.

Artisanal fishermen of either state working in the Gambia or in Senegal are obliged to land their catches in one of the two countries.

Their conditions of stay and for the conduct of their activities shall be defined in the Implementation Protocol to this Agreement.

Article 2

The Government of each State shall grant fishing vessels flying the flag of the other State the right to fish in waters under its jurisdiction.

Fishing rights are issued in the form of fishing licenses of which the number will be determined by the Implementation Protocol of this Agreement.

The number of authorised licenses and tonnage are established annually by the Technical Monitoring Committee established by article 10 of this Agreement

Article 3

The fishing vessels allowed to fish under this Agreement must be of Senegalese or Gambian nationality.

Nationality requirements for fishing vessels are those established in the laws and regulations of each concerned State.

Article 4

Fishing licenses granted by one of the States to fishing vessels of the other State shall be made available to the Government of the latter.

Article 5

Fishing vessels flying the flag of each State, operating under this Agreement in waters under the jurisdiction of the other State, shall comply with the laws and regulations in force in that State.

Article 6

Each State shall undertake to provide all the necessary assistance to vessels of the other State that find themselves in difficulty in the waters under its jurisdiction.

In the event of boarding, the fishing vessel shall be immobilized until the final disposition of the case.

Article 7

The two states shall exchange scientific information and shall coordinate their research programs to ensure rational exploitation of their fishery resources.

Article 8

The Parties shall promote and develop aquaculture through joint projects and to encourage private initiatives in the area.

Article 9

The Parties shall provide their reciprocal assistance in the training of nationals of both countries, in national fishing companies, specialized schools and oceanographic research centres.

Article 10

It is hereby established a Technical Monitoring Committee of the Agreement and its implementation Protocol, composed of representatives and experts of both governments and economic operators of both countries.

The Technical Monitoring Committee shall meet annually, at a date set by mutual agreement, alternately in the Gambia and in Senegal and whenever one of the Parties makes the request.

Article 11

It is hereby established a Joint Fishing Monitoring Commission responsible for reviewing issues related to the right of innocent passage, control of fishing vessels activities and Health Certification of products, to effectively combat Illegal, Unreported and Unregulated (IUU) fishing.

The organization and functioning of the Commission are established by a Protocol.

Article 12

It shall enter into force upon signature

The Agreement is concluded for a period of four (4) years after as of the date of its entry into force and is renewable for equal periods, by tacit agreement.

It may be terminated in writing by one of the Parties in consultation with the other Party, three (3) months before its expiry date.

Article 13

Either party may request a revision or an amendment of the agreement. Such a request should be responded to within three months from the date of submission and will not be valid unless agreed and signed by both Parties.

Any of the Parties can give notice in writing the amendment of this Agreement. The other party has three months to forward its observations.

Any proposed amendment to this agreement must be submitted to the Depositaries of the Agreement.

An amendment shall enter into force as soon as agreed between the two States.

Article 14

This Agreement can be terminated mutually or by any of the Parties by giving three (3) months written notice.

Either Party may terminate this Agreement in the event of non-compliance or breach of any of the provisions of this Agreement. The termination of this Agreement will consequently affect programs, projects or processes initiated during its existence.

Article 15

This Agreement is drawn up in duplicate in the French and English languages, both texts being equally authentic.

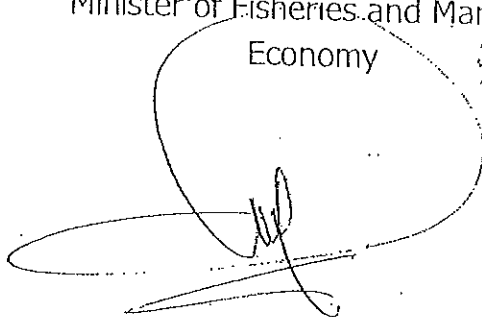
It is filed with the competent authority of each State.

Done in Banjul on the 24th day of March 2017

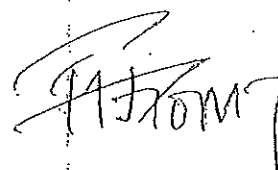
For the Government of the Republic of
Senegal

For the Government of the Republic of
The Gambia

Mr. Oumar Gueye
Minister of Fisheries and Maritime
Economy

A handwritten signature in black ink, consisting of a large, stylized loop and a horizontal stroke, positioned below the name and title of Mr. Oumar Gueye.

Mister James FP. Gomez
Minister of Fisheries, Water Resources
and National Assembly Matters

A handwritten signature in black ink, appearing to be 'J.F.P. Gomez', positioned below the name and title of Mister James FP. Gomez.

**IMPLEMENTATION PROTOCOL TO THE FISHERIES
AND AQUACULTURE AGREEMENT BETWEEN THE
REPUBLIC OF SENEGAL AND THE REPUBLIC OF THE
GAMBIA SIGNED IN BANJUL ON 24TH OF MARCH 2017**

The Government of the Republic of Senegal and the Government of the Republic of The Gambia, hereinafter referred to as the Parties,

Pursuant to the Agreement on Fisheries and Aquaculture concluded between the Government of the Republic of Senegal and the Government of the Republic of The Gambia, signed in Banjul on 24th March 2017.

HAVE AGREED AS FOLLOWS:

Article 1: Purpose

This Protocol is established under the provisions of the Agreement on Fisheries and Aquaculture signed in Banjul on 24th March 2017 between the Government of the Republic of Senegal and the Government of the Republic of The Gambia. It specifies the practical modalities of implementation of the Agreement.

Article 2: Conditions for the exercise of artisanal fishing

Artisanal fishing in the waters under the jurisdiction in either of the States should be allowed under the same conditions as its nationals.

Artisanal fishing should be exercised by fishermen who fulfilled the conditions laid down in this Protocol and in accordance with the regulations in force in each State.

Article 3: Conditions for the exercise of industrial fishing

1. Fishing Vessel Owners shall produce all documents certifying as to the technical characteristics of vessels including the nationality certificate duly authenticated.
2. In accordance with the laws and regulation in force in the two States, the vessels fishing under this present Protocol are obliged to have on board a



functioning VMS, an observer, Vessels fishing under this Protocol are obliged to board two observers, fill the fishing log and transmit catch statistics, as directed by the relevant structures of the two States.

3. The Fishing vessels are not obliged to land their catches or transshipment in waters under the jurisdiction of one or the other State. However, the ice carrier vessels shall land, for the supply of the local market, four (4) tons of fish every trimester representing the 10% required by the Gambian regulation.

4. The fishing vessels and artisanal canoes are required to take all appropriate measures to ensure compliance with provisions of the regulations in force governing fishing in the exclusive economic zone of one or the other State, particularly with regard to fishing areas or gear and authorised species and biological rest.

5. Vessels shall communicate to the supervision bodies in both States, for inspection, monitoring and surveillance purposes, all information relating to their catches and positions, according to the frequency they have established, especially when they enter and leave waters under the jurisdiction of either State.

6. Replacement or substitution of the vessel shall be authorized in case of cessation of activities due to a case of force majeure and of equal GRT. The substituting vessel shall have the same characteristics and of a GRT equal or inferior to the substituted vessel.

7. Any change in the regulation of either State shall be communicated to the other State without delay through diplomatic channels.

Article 4: Pavilion of the States

The granting of flag to ships should comply with the existing nationality criteria in each State.

Article 5: Conditions for the issuance of fishing licenses

Procedures applicable for application and issuance of fishing licenses authorizing fishing vessels and boats to operate in the waters of the other State are as follows:

- 1- Competent authorities of either State shall submit to the competent authorities of the other State, a request for vessels wishing to fish under



this Protocol, at least fifteen (15) days before the start date of the validity period requested.

2- Applications are submitted using the forms provided for that purpose by each Party.

3- Vessels authorized to fish in either State shall, within the framework of this Protocol, undergo a pre-licensing inspection during which the following documents are required: a valid seaworthiness certificate issued by the competent authorities of the country of origin, a measurement certificate of the fishing gears issued by an authorized office and a valid insurance policy. However, fishing vessels applying under this protocol are obliged for pre-license fishing inspection.

4- Fishing licenses are issued not later than forty-eight (48) hours after the inspection referred to in paragraph 3 of this Article.

5- The vessels should have a valid fishing permit or license from the country of origin.

6- Closed Seasons for fishing canoes in May and November.

Article 6: Fishing Opportunities

Under this Protocol, the two States have agreed to mutually allocate fishing opportunities fixed as follows:

1) Traditional/artisanal fishing

Are allowed:

- 200 motorised boats having a horse power equal or below 40;
- 25 motorised boats having a horse power between 41 and 60;
- 25 motorised boats having a horse power above 60.

2) Industrial fishing

Are allowed:

- 1300 Barrels of Gross Registered Tonnage (GRT) per year for shrimp trawlers;
- 1300 GRT per year for coastal demersal fish trawlers and cephalopod trawlers;
- 1000 GRT for deep demersal fish
- 500 GRT per year for small pelagic;
- 15 ships/vessels per year for tuna fishing.

Fishing opportunities could be revised at the annual meeting of the Technical Monitoring Committee.

Article 7: Fees

Fees for licenses for vessels and boats fishing under this Protocol are those set for domestic ships and fishing boats of any state.

Licenses fishing vessels are issued for a maximum period of six (06) months

Article 8: Fishing zones

The fishing zones permitted are those provided by the regulations for each type of fishing in each State.

Article 9: Meshes authorized

The minimum mesh size authorized shall be in accordance with the current regulations for each type of fishing in each State.

Article 10: Catch declaration

All fishing vessels holders of a license issued under this Protocol must provide a statement of their catches consistent with the forms provided by the State that issued the license to the competent authorities of the other State.

Catch reports must be filed with the competent services of the State at the end of each fishing trip and in any case within fifteen (15) days.

Where the fishing vessel owner of a license issued under this Protocol violates the provisions of the first and second paragraphs of this Article, the relevant competent authorities shall suspend the license pending regularization of its situation. The license may be revoked where the irregularity of the situation of the vessel concerned lasts six (06) months.

Article 11: Boarding of Observers

Each industrial fishing vessel shall receive an observer appointed by the bodies responsible for monitoring from the State granting the license.

Industrial fishing vessels authorized to operate under this Protocol are obliged to pay, in respect of costs relating to the boarding of the observer, an amount equal to the rates and conditions in force in each State.



Article 12: Signing on Seamen

Fishing Vessel Owners benefiting from licenses under this Protocol shall sign on seamen of the other State in the following limits:

- Three (03) seamen on lower capacity vessels or up to 300 Barrels of Gross Tonnage;
- Four (04) seamen on vessels of more than 300 Barrels of Gross Tonnage.

The wages of these seamen are determined under the same conditions as those provided in their country of origin.

Article 13: Innocent passage law

Vessels from each state, making innocent passage through waters under the jurisdiction of either State, shall comply with the following provisions:

1. Contact via radio, before any passage, surveillance bodies/structures in their countries to give their navigation details (expected time of entry, position, course, speed, estimated time of exit).

These navigational items are provided by all appropriate means including fax, radio, phone, email, between the two countries' surveillance structures.

2. Make the most direct route possible to spend the least time in the territorial waters of either State.
3. Make the crossing at continuous speed, except in cases of force majeure, fishing speeds being prohibited.
4. Store fishing nets and other gear on deck.

Vessels shall take all appropriate measures to remove any ambiguity in case of control. The radio communications between the two countries, navigational instruments and continuous positioning are used to remove the doubt, in case of dispute.



Article 14 – Development of Aquaculture

The Parties are committed to promote cooperation in the area of aquaculture through the

- Exchange of scientific information and technics;
- Organisation of expert visits and producers;
- Organisation of conferences and training workshops;
- Implementation of joint aquaculture projects.

Senegal affirms its will to support the competent Gambian authorities for the establishment of institutional, legal and statutory mechanisms favourable for the promotion of aquaculture.

ARTICLE 15: TRAINING

The Parties shall undertake to:

- facilitate cooperation between training institutions in their respective fields of activity in order to share experiences and if necessary their infrastructure and teaching aids;
- allow mutual access of students and trainees in the training institutions of the Parties.

The Government of the Republic of Senegal agrees to welcome citizens of the Republic of the Gambia with appropriate funding in its fishing and maritime training schools, according to those institutions' admission requirements. It offers five (5) scholarships annually in the area of maritime, fishing and aquaculture.

The competent structures can organize study trips and meetings to exchange experiences in the following areas:

- quality management of fisheries products (standardization, quality control, certification, etc.);
- socio-economics of artisanal fisheries / fisheries economic observatory
- fishing statistics;
- fisheries management;
- Promoting aquaculture
- Adding value and conserving fish and fishery products

- Maritime transport
- Monitoring, controlling and inspecting/supervising fishing
- Safety of artisanal fishing.

Article 16: Fisheries Research

The Parties shall undertake to carry out a scientific research program, strengthen their relations in their national research institutions and develop a scientific cooperation protocol to support their exploitation and sustainable resource management policy. This cooperation framework covers the main areas below:

- assessment of shared stocks;
- biology of species of common interest;
- study and monitoring of parameters of the marine environment;
- quality of fishery products and aquaculture (using HACCP tool);
- statistical and socio-economic monitoring of fisheries (joint framework surveys, etc.);
- organization of working groups for the joint analysis of data on shared stocks and the marine environment.

Article 17: Fisheries surveillance and sea safety

Surveillance structures in the two States shall regularly organize combined operations as part of the implementation of a protocol on coordination of fisheries surveillance operations and maritime hot pursuit.

As part of information and training activities, the two bodies in charge of surveillance shall exchange technical staff to harmonize their surveillance procedures.

Both structures offer mutual assistance in search and rescue at sea, and shall regularly exchange information on safety at sea, particularly with regard to artisanal fisheries.

To prevent and fight effectively against illegal, unreported and unregulated fishing (IUU), both structures shall define appropriate mechanisms and undertake necessary actions namely through information exchanges on vessels fishing in their respective exclusive economic zones.

The two structures shall ensure wide dissemination and popularization of fishing laws and regulations in force in the States.

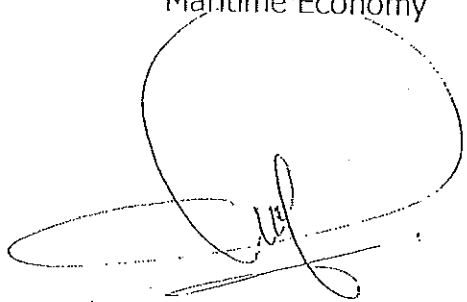
The Parties shall provide the human, material and financial resources for the implementation of the cooperation program in the field of fisheries surveillance. The



Done in Banjul on the 24th Day of March 2017

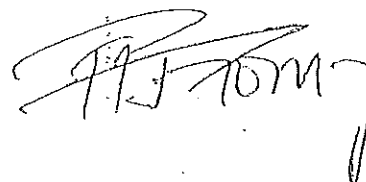
For the Government of the
Republic of Senegal

Oumar GUEYE
Minister of Fisheries and
Maritime Economy

A handwritten signature in black ink, consisting of a large, circular loop on the left and a series of smaller loops and strokes extending to the right.

For the Government of the
Republic of The Gambia

James FP. Gomez
Minister of Fisheries, Water,
Resources and National
Assembly Matters

A handwritten signature in black ink, featuring a large, stylized initial 'J' followed by several loops and a long, sweeping tail that curves downwards.



COMMUNIQUE FINAL A L'ISSUE DES NEGOCIATIONS POUR LA
SIGNATURE DE L'ACCORD EN MATIERE DE PECHE ET
D'AQUACULTURE ENTRE LA REPUBLIQUE DU SENEGAL ET LA
REPUBLIQUE DE GAMBIE ET SON PROTOCOLE D'APPLICATION

Banjul, le 24 mars 2017

1. Les négociations pour la signature de l'Accord en matière de Pêche et d'Aquaculture entre le Gouvernement de la République du Sénégal et le Gouvernement de la République de Gambie sont une concrétisation des Très Hautes instructions des deux Chefs d'Etat, Leurs Excellences Messieurs Adama BARROW et Macky SALL, exprimées lors de la visite officielle au Sénégal du Président Adama BARROW du 02 au 04 mars 2017.
2. A cette occasion les deux Chefs d'Etat, tenant compte des liens historiques et multiséculaires très forts entre le Sénégal et la Gambie se sont engagés à renforcer la coopération bilatérale notamment dans le domaine de la pêche et de l'aquaculture, au bénéfice des deux peuples.
3. Monsieur Oumar GUEYE et sa délégation ont été reçus en audience par le Président Adama BARROW à qui il a transmis les salutations et les remerciements du Président Macky SALL et lui a fait part de sa volonté de travailler avec son homologue gambien en vue du développement du secteur de la pêche et de l'aquaculture.
4. Après avoir souhaité la bienvenue à la délégation sénégalaise et réitéré ses condoléances au Peuple sénégalais suite au rappel à Dieu du Khalife Général des Tidjanes, le Président BARROW s'est félicité de la nouvelle dynamique des relations sénégambiennes avant d'appeler à accélérer la mise en œuvre des projets d'intérêts communs.
5. Au cours de la visite, les deux Ministres ont eu un tête-à-tête et coprésidé une séance de travail élargie aux membres des deux délégations, dans une atmosphère empreinte de cordialité et de confiance mutuelle, pendant lesquels ils ont renouvelé leur engagement à faire du secteur de la pêche, de l'aquaculture et des activités connexes un axe stratégique de la coopération entre les deux pays compte tenu de son importance pour le développement socio-économique et la sécurité alimentaire.
6. Dans cette perspective, ils ont insisté sur la nécessité de prendre en compte la gestion durable des pêches, de lutter contre la pêche illicite non déclarée et non réglementée (INN), de promouvoir l'évaluation et la connaissance des stocks des ressources, de développer l'aquaculture et d'encourager les opérateurs privés à une plus grande participation pour renforcer leurs liens d'amitié et de fraternité.
7. Les experts des deux pays ont eu plusieurs séances de travail au cours desquelles ont été discutées les questions relatives, entre autres, aux redevances des licences de pêche, aux possibilités de pêche, à la gestion des ressources halieutiques, au débarquement des poissons, à l'embarquement des marins, à la



promotion de l'aquaculture, au développement du partenariat privé, à la formation, à l'appui pour l'obtention de l'agrément à l'export, la certification sanitaire et à la recherche halieutique.

8. La Partie sénégalaise s'est engagée à offrir, chaque année, cinq (05) bourses de formation dans le domaine de la pêche, de l'aquaculture et des affaires maritimes ainsi que des stages professionnels, pour toute la durée de validité de l'Accord.
9. La Partie sénégalaise a marqué son accord sur la requête formulée par la Partie gambienne qui souhaite bénéficier de l'expertise sénégalaise en matière d'immatriculation des embarcations de pêche.
10. Les Parties se sont engagées à promouvoir et développer l'aquaculture, à travers des projets communs et à encourager les initiatives privées dans ce domaine.
11. Durant son séjour, Monsieur Oumar GUEYE a rencontré la communauté sénégalaise établie en Gambie qui s'active dans la pêche, le mareyage, la transformation des produits halieutiques.
12. A l'issue de la visite, Monsieur Oumar GUEYE a tenu à remercier vivement S.E. Monsieur Adama BARROW, pour la Très Haute Attention qu'il accorde au développement de la coopération entre le Sénégal et la Gambie.
13. Il a, en outre, exprimé ses profonds remerciements à son homologue gambien Monsieur James F.P. GOMEZ, pour l'accueil chaleureux et fraternel qui lui a été réservé, ainsi qu'à toute la délégation qui l'accompagne.

Fait à Banjul, le 24 mars 2017

Pour le Gouvernement de la
République du Sénégal

Pour le Gouvernement de la
République de Gambie

Oumar GUEYE
Ministre de la Pêche et de
l'Economie maritime

James FP. GOMEZ
Ministre de la Pêche, des
Ressources halieutiques
et chargé des Questions
parlementaires