

## **Terms of reference of the Ad Hoc Working Group under Part 6 of the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing**

### **Background**

1. Article 21 of the FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (hereinafter referred to as “the Agreement”) requires Parties to the Agreement (hereinafter referred to as “Parties”) to give full recognition to the special requirements of developing States Parties in relation to the implementation of port State measures consistent with the Agreement. Paragraph 6 of the said article requires Parties to establish an Ad Hoc working group that shall periodically report and make recommendations to the Parties on funding mechanisms.

### **Establishment of the Ad Hoc Working Group**

2. The Ad Hoc Working Group is established pursuant to Article 21 (6) of the Agreement.
3. The Ad Hoc Working Group shall consist of representatives of the Parties.
4. The Ad Hoc Working Group shall, if consensus is not reached, elect by simple majority of the Parties present and voting, its chairperson and vice-chairperson(s) from among the Parties for a term of two years, with one of them representing a developing State Party.
5. The FAO Fisheries and Aquaculture Department shall provide services to the Ad Hoc Working Group.

### **Observers**

6. The following shall be eligible to participate as observers in meetings of the Ad Hoc Working Group:
  - (a) signatories and all other non-Parties having an interest in becoming a Party to the Agreement;
  - (b) intergovernmental organizations whose mandates include addressing port State measures; and
  - (c) international non-governmental organizations that have demonstrated an interest in the Agreement.
7. Observers may address the Ad Hoc Working Group at the discretion of the Chairperson.
8. Observers shall not participate in decision making.

### **Functions of the Ad Hoc Working Group**

9. The Ad Hoc Working Group shall report and make recommendations to Parties on:
  - (a) the establishment of a funding mechanism;

- (b) priorities for the use of the funding mechanism; and
- (c) identification of States, intergovernmental organizations, international financial institutions, regional economic integration organizations, national institutions, non-governmental organizations, foundations, as well as natural and juridical persons, that shall be approached by FAO to make voluntary financial contributions to the funding mechanism.

### **Meetings of the Ad Hoc Working Group**

10. The first meeting of the Ad Hoc Working Group shall be convened at FAO Headquarters between 90 and 120 days after the Agreement has entered into force, and shall thereafter meet at least every other year, preferably back-to-back with meetings of the FAO Committee on Fisheries at FAO Headquarters. A Party may request additional meetings of the Ad Hoc Working Group, which shall be convened if one third or more of the Parties agree to that request.

### **Expenses**

11. Participants shall meet their own expenses or obtain the financial resources necessary to attend meetings of the Ad Hoc Working Group. The attendance of representatives of developing States Parties to the Agreement may be funded by the mechanism referred to in paragraph 9 (a).

12. The administrative expenses of the Ad Hoc Working Group shall be covered by the funding mechanism referred to in paragraph 9 (a).

13. The FAO Fisheries and Aquaculture Department shall prepare and submit reports to the Ad Hoc Working Group on the use of the expenses referred to in paragraph 12.

### **Language**

14. In principle, the meetings of the Ad Hoc Working Group shall be conducted in the English language, and documents related to the work of the Ad Hoc Working Group shall be prepared in the English language.

### **General reporting on the activities of the Ad Hoc Working Group**

15. A general report prepared by the FAO Fisheries and Aquaculture Department on the activities of the Ad Hoc Working Group shall be presented to the Parties and, for information, to meetings of the FAO Committee of Fisheries.

### **Decision making**

16. Notwithstanding the procedure for the election of the chairperson and vice-chairperson(s) under paragraph 4, decisions of the Ad Hoc Working Group shall be taken by consensus of the Parties present at the Ad Hoc Working Group meeting.

### **Revision and review**

17. These Terms of Reference may be revised by the Parties if circumstances so require.

18. The Parties shall, within the framework of Article 24 of the Agreement, review the activities of the Ad Hoc Working Group with the view to assessing and evaluating the effectiveness of the implementation of these Terms of Reference.

### **Publicity**

19. The FAO Fisheries and Aquaculture Department shall maintain on the FAO's website information on the Ad Hoc Working Group including the report provided in accordance with paragraph 15 of these Terms of Reference.