

***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**

Draft Terms of Reference

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 elect its chairperson and vice-chairperson from among the Parties for a term of (x) years.
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 to the Agreement;
 - (b) intergovernmental organizations; and
 - (c) non-governmental organizations that have demonstrated an interest in the Agreement by participating in the Technical Consultation to Draft a Legally-binding Instrument on Port State Measures, June 2008-August 2009.

Functions of the *ad hoc* Working Group

7. 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, as well as natural and juridical persons, that shall be

approached by the FAO to make voluntary financial contributions to the funding mechanism.

8. The *ad hoc* Working Group shall approve the budget.

Meetings of the *ad hoc* Working Group

8. The first meeting of the *ad hoc* Working Group shall be convened at the FAO Headquarters within (x) 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 the 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.

Finance and budget

9. Participants shall pay their own expenses to meetings and other activities related to the *ad hoc* Working Group.

10. The Parties shall contribute in equal proportions to the budget of the *ad hoc* Working Group.

11. The FAO Fisheries Department shall submit drafts of the budget for two years to each Party no later than (x) days before a scheduled meeting of the *ad hoc* Working Group.

Language

12. The meetings of the *ad hoc* Working Group shall be conducted in the English language, and documents related to the work of the group shall be prepared in the English language.

Reporting of the *ad hoc* Working Group

13. A report on the activities of the *ad hoc* Working Group to date shall be presented successively to meetings of the FAO Committee of Fisheries.

Revision and review

14. These Terms of Reference may be revised if circumstances so require.

15. The Parties shall periodically 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

16. The FAO shall maintain on their website details of the *ad hoc* Working Group including reports provided in accordance to paragraph 13 of these Terms of Reference.

