

JOINT WORKING GROUP ON FISHING BY NON-PARTIES

TERMS OF REFERENCE¹

The overall purpose of the Joint IATTC-AIDCP Working Group on Fishing by Non-Parties (“the Working Group”) is to address, in a cooperative manner, the matter of fishing in the region by vessels under the jurisdiction of non-Parties to either the AIDCP or the IATTC Convention.

1. DEFINITIONS

For the purposes of this Working Group:

- a. “Party” means a member of the IATTC or a Party to the AIDCP;
- b. “IATTC non-party” means a state, entity, or regional economic integration organization that is not a member of the IATTC.
- c. “AIDCP non-party” means a state, entity, or regional economic integration organization that is not a Party to the AIDCP.
- d. “Cooperating IATTC non-party” means any IATTC non-party that cooperates, as determined by the IATTC Parties, with the IATTC.
- e. “Cooperating AIDCP non-party” means any AIDCP non-party that cooperates, as determined by the AIDCP Parties, with the AIDCP.
- f. “Non-cooperating IATTC non-party” means any IATTC non-party, with vessels under its jurisdiction fishing in the region, that does not cooperate, as determined by the IATTC Parties, with the IATTC.
- g. “Non-cooperating AIDCP non-party” means any AIDCP non-party, with vessels under its jurisdiction fishing in the region, that does not cooperate, as determined by the AIDCP Parties, with the AIDCP.

2. FUNCTIONS

The functions of the Working Group shall be to:

- a. identify non-parties with vessels fishing in the region, and to identify the individual vessels of non-parties;
- b. review and monitor compliance by non-parties with the conservation and management measures of both the IATTC and the AIDCP;
- c. propose the requirements for non-parties to obtain the status of cooperating non-party, entity or fishing entity.
- d. examine any information provided by the Parties and the reports of the Secretariat of the AIDCP and the administration of the IATTC on vessels of non-Parties, entities or fishing entities fishing in the region;
- e. when reviewing and monitoring the compliance of a non-party and determining whether it has fulfilled the requirements to obtain the status of co-operating non-party, entity or fishing entity, the Working Group shall also take into account the activities of these non-parties as co-operating non-parties or non-parties in other oceans which have regional fisheries organizations that regulate the conservation and management of highly migratory fish stocks under their

¹ Approved by the 9th Meeting of the Parties to the AIDCP, June 2003, and by the IATTC by correspondence, September 2003; amended by Resolutions A-04-06 and C-04-01, 20 October 2004.

competence;

- f. analyze the mechanism by which the status of cooperating non-party, entity or fishing entity shall be requested and granted;
- g. propose the procedures for evaluating the status of cooperating non-party, entity or fishing entity and define the reasons for revoking such a status;
- h. recommend to the IATTC and the Meeting of the Parties to the AIDCP, such actions as may be required to obtain, request, grant and maintain the status of cooperating non-party, entity or fishing entity, as well as those that are considered necessary to promote and improve compliance with the conservation and management measures of the IATTC and/or the AIDCP;
- i. develop and recommend measures to be adopted by the IATTC and the Meeting of the Parties to the AIDCP to eliminate IUU fishing activities in the region, in line with the FAO Plan of Action ;
- j. develop a system of notification of sighting and identification of non-Party vessels operating in the region;
- k. propose criteria for and develop a list of vessels identified as being engaged in IUU fishing activities in the region to complement the list of vessels authorized to fish in the region as identified in the IATTC Regional Vessel Register.

3. ORGANIZATION

- a. The Working Group shall be composed of representatives of each of the Parties.
- b. Any government, individual or organization accredited as an observer to either the IATTC or the AIDCP may participate in the Working Group as an observer.
- c. All participants in the Working Group shall have speaking rights, but only the Parties shall participate in decisions.
- d. The Working Group shall hold at least one meeting every year.
- e. The Working Group may propose its own rules of procedure and of confidentiality if necessary for the performance of its duties, subject to the approval of the IATTC and the Meeting of the Parties to the AIDCP.
- f. The Chair of the Working Group shall be elected for a term of two years, and may be reelected to the position for one additional term. At the end of the last meeting of the two-year period, the Working Group shall elect a Chair for the next two-year term.

4. RECOMMENDATIONS AND REPORTS

- a. All recommendations and reports of the Working Group shall be directed to the IATTC and the Meeting of the Parties to the AIDCP, as appropriate. The Working Group shall strive to adopt its recommendations and reports by consensus. In the event a consensus is not possible, the Parties to the IATTC Convention may, by consensus among themselves, direct recommendations to the IATTC on matters within its purview, and the Parties to the AIDCP may, by consensus among themselves, direct recommendations to the Meeting of the Parties to the AIDCP on matters within its purview.
- b. The Working Group may adopt its recommendations and reports by correspondence, pursuant to a procedure organized by the Director of the IATTC and approved by the Parties.
- c. All recommendations and reports emanating from the Working Group shall take into consideration the fact that the provisions and objectives of the IATTC Convention and the AIDCP are not the same.

5. ADMINISTRATION

The staff of the IATTC shall:

- a. collect and maintain the information necessary for the work of the Working Group;
- b. provide to the Working Group such analyses as the Working Group deems necessary for carrying out its functions;
- c. prepare the reports of the Working Group;
- d. distribute all pertinent information to the members of the Working Group in a timely manner.