

**Report of the**

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**INFORMAL OPEN-ENDED TECHNICAL MEETING TO REVIEW DRAFT TERMS OF REFERENCE FOR THE AD HOC WORKING GROUP REFERRED TO IN PARAGRAPH 6 OF ARTICLE 21 OF THE 2009 AGREEMENT ON PORT STATE MEASURES TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED FISHING (THE AGREEMENT) AND DRAFT TERMS OF REFERENCE FOR AN APPROPRIATE FUNDING MECHANISM REFERRED TO IN ARTICLE 21 OF THE AGREEMENT TO ASSIST DEVELOPING STATES IMPLEMENT THE AGREEMENT**

**Rome, 21-23 November 2011**



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Rome, 21–23 November 2011

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## PREPARATION OF THIS DOCUMENT

This is the final report of the Informal Open-ended Technical Meeting to Review Draft Terms of Reference for the Ad Hoc Working Group Referred to in Paragraph 6 of Article 21 of the 2009 Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (the Agreement) and Draft Terms of Reference for an Appropriate Funding Mechanism referred to in Article 21 of the Agreement to Assist Developing States Implement the Agreement that was held in Rome, from 21 to 23 November 2011.

FAO.

Report of the Informal Open-ended Technical Meeting to Review Draft Terms of Reference for the Ad Hoc Working Group Referred to in Paragraph 6 of Article 21 of the 2009 Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (the Agreement) and Draft Terms of Reference for an Appropriate Funding Mechanism referred to in Article 21 of the Agreement to Assist Developing States Implement the Agreement. Rome, 21–23 November 2011.

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### ABSTRACT

This document contains the report of the Informal Open-ended Technical Meeting to Review Draft Terms of Reference for the Ad Hoc Working Group Referred to in Paragraph 6 of Article 21 of the 2009 Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (the Agreement) and Draft Terms of Reference for an Appropriate Funding Mechanism referred to in Article 21 of the Agreement to Assist Developing States Implement the Agreement, which was held in Rome from 21 to 23 November 2011. At the request of the twenty-ninth session of the FAO Committee on Fisheries (COFI) (paragraph 33 of the session report), the meeting considered draft terms of reference for the Ad Hoc Working Group under Part 6 of the Agreement. These draft terms of reference were endorsed by the meeting. They will be referred back to COFI at its thirtieth session. The meeting also reviewed and endorsed draft terms of reference for funding mechanisms under Part 6 of the Agreement. This was done because the meeting recognized that both sets of draft terms of reference were interrelated. However, the draft terms of reference for funding mechanisms under Part 6 of the Agreement will be considered further and approved after the Ad Hoc Working Group is established by the States Parties.



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## **OPENING OF THE INFORMAL OPEN-ENDED TECHNICAL MEETING**

1. The Secretary of the informal open-ended technical meeting (the meeting), Mr David J. Doulman, Senior Fisheries Liaison Officer, FAO, Rome, Italy, called the meeting to order and welcomed delegates to FAO and the meeting.
2. The meeting was attended by 23 delegates from 18 FAO Members. A list of delegates is attached as Appendix B.
3. Mr Doulman provided background to the meeting, referring in particular to paragraphs 32 and 33 of the Report of the twenty-ninth session of the Committee on Fisheries (COFI). He stressed that Article 21 of the 2009 Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (the Agreement) was a very important Article because it sought to promote and facilitate the effective participation of developing countries in the Agreement.
4. The meeting agreed that a summary of the outcomes of the meeting would be included in the document relating to illegal, unreported and unregulated fishing to be presented to COFI in 2012 while the report of the meeting would be a made-available COFI document.

## **SELECTION OF THE CHAIRPERSON**

5. Mr Joji Morishita, Counsellor, Fisheries Policy Planning Department, Fisheries Agency, Tokyo, Japan, was selected as Chairperson of the meeting.

## **ADOPTION OF THE AGENDA AND ARRANGEMENTS FOR THE INFORMAL OPEN-ENDED TECHNICAL MEETING**

6. The meeting adopted the agenda in Appendix A. The list of documents placed before the meeting is shown in Appendix C.

## **ASSESS CAPACITY-DEVELOPMENT NEEDS TO IMPLEMENT THE 2009 AGREEMENT ON PORT STATE MEASURES TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED FISHING**

7. The meeting reviewed its mandate given in paragraph 33 of the COFI report. The meeting recalled that the Committee requested FAO to form an open-ended working group or similar mechanism to draft terms of reference for the Ad Hoc Working Group envisioned in Article 21 of the Agreement, to assess capacity needs, and to explore funding mechanisms.
8. Mr Terje Lobach, Resource Person and Director, Directorate of Fisheries, Bergen, Norway, introduced the explanatory memorandum prepared for the meeting. He clarified issues in relation to the two sets of terms of reference, noting, *inter alia*, that the Ad Hoc Working Group was the competent body to review and adopt the terms of reference for funding mechanisms under Part 6 of the Agreement. In this regard, the meeting noted the interrelationship between the draft terms of reference for the Ad Hoc Working Group under Part 6 of the Agreement and the draft terms of reference for funding mechanisms under Part 6 of the Agreement.

9. The meeting agreed that:
- a) the draft terms of reference for the Ad Hoc Working Group under Part 6 of the Agreement reviewed by the meeting would be submitted to COFI; and
  - b) the draft terms of reference for funding mechanisms under Part 6 of the Agreement also reviewed by the meeting would be considered by the Ad Hoc Working Group.
10. The meeting noted that the Secretariat should ensure that the report of the meeting was distributed to signatories and Parties to the Agreement.
11. The meeting discussed the application of Article 21. It was noted that paragraph 4 was related to “developing States” and not as in other parts of Article 21, referring to “developing States Parties”. It was further noted that in the context of the other elements of Article 21, in particular the general statement in paragraph 1 as well as those concerning special needs assessments in paragraphs 3 and 6 (a), and other possible technical and financial sources in paragraph 5, the funding mechanisms referred to in paragraph 4 seemed to cover only developing States Parties. This interpretation was further supported by the accountability provision in paragraph 6 (d).
12. In relation to the assessment of capacity-development needs of developing States Parties, the meeting agreed that they themselves assess their needs in order to identify funding priorities.
13. To assist developing countries to prepare for the acceptance and implementation of the Agreement, Mr Doulman explained that FAO had prepared a global series of regional workshops on the Agreement. The workshops would commence in April 2012 in Southeast Asia and would continue in other regions thereafter. Deliberations in the workshops would provide an assessment of regional priorities that could be transmitted to the Ad Hoc Working Group for consideration. The workshops would be supported by and subject to the availability of extrabudgetary funds. The meeting welcomed this initiative, stressing the importance of human resource capacity development to support and sustain the implementation of the Agreement.

**REVIEW DRAFT TERMS OF REFERENCE FOR THE AD HOC WORKING GROUP REFERRED TO IN PARAGRAPH 6 OF ARTICLE 21 OF THE 2009 AGREEMENT ON PORT STATE MEASURES TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED FISHING**

14. Mr Lobach introduced the draft terms of reference relating to the Ad Hoc Working Group under Part 6 of the Agreement. The meeting reviewed the draft terms of reference. The draft terms of reference endorsed by the meeting are in Appendix D.
15. The meeting considered the issue of language(s), that might be used by the Ad Hoc Working Group. The meeting recognized the desirability of using the FAO official languages in the work of the Ad Hoc Working Group but, at the same time, recognized the high cost associated with translation and interpretation. Taking these issues into account, the draft terms of reference reflected both sets of considerations.

16. The meeting considered issues that the Ad Hoc Working Group may wish to address if it finds it necessary to have more detailed arrangements than those included in the draft terms of reference. These issues could include considerations concerning the size of the Ad Hoc Working Group; the quorum for meetings; election and re-election of the chairperson and vice-chairperson(s); number of vice-chairperson(s) and regional representation (in terms of group representation and geographic balance).

**REVIEW DRAFT TERMS OF REFERENCE FOR APPROPRIATE FUNDING MECHANISMS REFERRED TO IN ARTICLE 21 OF THE AGREEMENT TO ASSIST DEVELOPING STATES IMPLEMENT THE 2009 AGREEMENT ON PORT STATE MEASURES TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED FISHING**

17. Mr Lobach introduced the draft terms of reference relating to funding mechanisms under Part 6 of the Agreement. In his introduction he advised the meeting that he had drawn on, as appropriate, the terms of reference for the Assistance Fund under Part VII of the 1995 UN Fish Stocks Agreement (Part VII Fund).

18. Mr Doulman explained briefly to the meeting how the Part VII Fund was administered in FAO. He advised that applications for assistance were forwarded to the United Nations Division of Oceans Affairs and the Law of the Sea (UNDOALOS), and in turn, they were sent to FAO for processing if they met the requirements for assistance. He noted that the terms of reference for the Fund provided for applications for assistance using a standard application format that could be downloaded from the internet. Assistance could be requested for a range of purposes. Recipients of travel assistance were required to report to FAO in a standard format while assistance rendered for other purposes required more detailed reporting, including financial reporting, in accordance with FAO's Financial Regulations and other applicable Rules, that governed the administration of the Part VII Fund. While noting that there was considerable headquarters and field administrative work associated with the administration of travel requests from the Fund, it was pointed out that travel accounted for approximately 70 percent of total expenditure from the Fund. Mr Doulman advised that the Fund had functioned effectively since its inception and that approximately USD 1.0 million had been disbursed between 2006 and 2010. FAO prepared an annual report for UNDOALOS. This report was included in the annual report of the Secretary-General of the United Nations on sustainable fisheries.

19. The meeting noted that FAO would administer the trust fund proposed in the draft terms of reference relating to funding mechanisms under Part 6 of the Agreement, in accordance with its Financial Regulations and other applicable Rules. FAO would not transfer funds from the proposed trust fund to recipients. The procurement of services and assets would be made by FAO pursuant to its Financial Regulations and other applicable Rules.

20. The meeting noted further that the Ad Hoc Working Group shall report periodically and make recommendations to the Parties, but no guidance was given on a possible process to meet this obligation. Consequently, the meeting noted the need for a mechanism for the Parties to make decisions, including on the implementation of this obligation .

21. The meeting reviewed the draft terms of reference relating to funding mechanisms under Part 6 of the Agreement. The draft terms of reference endorsed by the meeting are in Appendix E.

**ANY OTHER MATTERS**

22. There were no other matters.

**RECOMMENDATIONS OF THE INFORMAL OPEN-ENDED TECHNICAL MEETING**

23. The meeting adopted the report of the informal open-ended meeting at 16.00 hours on 23 November 2011.

**Agenda**

1. Opening of the informal open-ended technical meeting
2. Selection of the Chairperson
3. Adoption of the agenda and arrangements for the informal open-ended technical meeting
4. Assess capacity-development needs to implement the 2009 Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
5. Review draft terms of reference for the Ad Hoc working group referred to in paragraph 6 of Article 21 of the 2009 Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
6. Review draft terms of reference for appropriate funding mechanism referred to in Article 21 of the Agreement to assist developing States implement the 2009 Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
7. Any other matters
8. Recommendations of the informal open-ended technical meeting

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**List of documents**

Agenda and timetable

Explanatory Memorandum on the establishment of the Ad Hoc Working Group under Part 6 of the FAO Agreement on Port State Measures

Draft terms of reference for the Ad Hoc Working Group under Part 6 of the FAO Agreement on Port State Measures

Draft terms of reference for the Assistance Fund under Part 6 of the FAO Agreement on Port State Measures

**Draft terms of reference****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 by participating in the Technical Consultation to Draft a Legally-binding Instrument on Port State Measures, June 2008–August 2009.

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 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.

## Draft terms of reference

### Funding mechanisms 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”), either directly or through FAO, other specialized agencies of the United Nations or other appropriate international organizations or bodies, including regional fisheries management organizations to provide assistance to developing States Parties in order to, *inter alia*, enhance their ability, in particular the least-developed among them and small island developing States, to develop a legal basis and capacity for the implementation of effective port State measures, facilitate their participation in any international organization that promotes the effective development and implementation of port State measures, and to facilitate assistance that will strengthen the development and implementation of port State measures by them, in coordination with relevant international mechanisms.

2. Article 21 of the Agreement further requires Parties to cooperate to establish appropriate funding mechanisms to assist developing States in the implementation of the Agreement. These mechanisms shall, *inter alia*, be directed specifically towards developing national and international port State measures, developing and enhancing capacity, including for monitoring, control and surveillance and training at national and regional levels of port managers, inspectors, and enforcement and legal personnel, monitoring, control, surveillance and compliance activities relevant to port State measures, including access to technology and equipment, and assisting developing States Parties in settlement of disputes that result from actions they take pursuant to the Agreement.

#### Establishment of a trust fund

3. A trust fund is established under Article 21 of the Agreement for the purpose of assisting developing State Parties in the implementation of the Agreement.

4. This trust fund will be one component of assistance that is to be provided in accordance with Article 21 of the Agreement and supplements other sources of assistance.

#### Administration of the trust fund

5. FAO shall administer the trust fund and act as the implementing office for the trust fund in accordance with its Financial Regulations and other applicable Rules.

6. FAO shall ensure that the standards it applies in the areas of accounting, auditing, internal control and procurement offer warranties equivalent to internationally-accepted standards.

7. All financial contributions made to FAO pursuant to paragraph 10 shall be deposited by FAO into the trust fund account.

8. In the administration of the trust fund, FAO shall take into account experience and best practice in the management of other trust funds established within the framework of the 1982 United Nations Convention on the Law of the Sea.

9. FAO shall, as appropriate, seek to achieve mutual benefits from any arrangements under this trust fund with similar activities, including in relation to the promotion and implementation of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and the 1995 FAO Code of Conduct for Responsible Fisheries.

#### **Contributions to the trust fund**

10. FAO invites States, intergovernmental organizations, international financial institutions, regional economic integration organizations, national institutions, non-governmental organizations, foundations as well as natural and juridical persons, to make voluntary financial contributions to the trust fund.

#### **Applications for assistance**

11. An application for assistance from the trust fund may be submitted by any developing State Party. Such an application may also be submitted on behalf of, and at the request of, such a Party by an appropriate subregional or regional organization or arrangement.

12. An application for assistance by a developing State Party shall be submitted by way of an official communication from the relevant national authority of the applicant. An application for assistance on behalf of a developing State Party by an appropriate subregional or regional organization or arrangement shall be accompanied by an official communication from the relevant national authority of the developing State Party confirming that the application is submitted on its behalf.

13. Applications for assistance for travel shall be submitted to the Assistant Director-General, FAO Fisheries and Aquaculture Department, at least one month in advance of the date of the event or activity for which assistance is requested. Applications for assistance for other types of activities shall be submitted at least four months in advance of the planned activity.

14. The application shall specify how it relates to the implementation of the Agreement and include a description of the desired outputs of the project/expenditure and an itemization of anticipated costs.

### **Purpose of assistance**

15. The purpose of assistance shall be to provide for the requirements of developing States Parties as outlined in Article 21 of the Agreement:

- (a) Enhancing the ability of developing States Parties, in particular the least-developed among them and small island developing States Parties, to develop a legal basis for the implementation of effective port State measures, in conformity with the provisions of the Agreement and in accordance with international law.
- (b) Facilitating the participation of developing States Parties, in particular the least-developed among them and small island developing States Parties, in the meetings, and activities concerning implementation of port State measures of relevant regional and subregional fisheries management organizations and arrangements.

Such assistance may include such costs as travel costs and, if appropriate, daily subsistence allowances for delegations participating in relevant regional and subregional fisheries management organisations or arrangements, including technical experts.

- (c) Assisting developing States Parties, in particular the least-developed among them and small island developing States Parties, with travel costs, and if appropriate daily subsistence allowances, in relevant meetings concerning port State measures of relevant global organizations.

Applications for this purpose shall include details of how the meeting in question relates to the implementation of the Agreement.

- (d) Assisting developing States Parties, in particular the least-developed among them and small island developing States Parties, with human resources development, technical assistance and training of port managers, inspectors, and enforcement and legal personnel.
- (e) Monitoring, control, surveillance and compliance activities relevant to port State measures, including access to technology and equipment.
- (f) Facilitating exchange of information and experience on the implementation of the Agreement.
- (g) Assisting developing States Parties, in particular the least-developed among them and small island developing States Parties, in meeting the costs involved in proceedings for the peaceful settlement of disputes in accordance with Part 7 of the Agreement.

### **Consideration of applications and granting of assistance**

16. Requests for assistance shall be considered without delay in the order in which they have been received. FAO shall establish a panel of independent and impartial experts of the highest professional standing to review the applications and to make



recommendations on the assistance to be given in each case. The panel also shall include two official representatives from Parties, one of whom is a donor to the trust fund.

17. In cases of applications for travel related expenses under paragraph 15, FAO may make decisions on applications without referral to the panel.

18. Review of applications and decisions shall be guided by the purposes of the trust fund, the provisions of the Agreement, the assistance needs of the requesting developing State Party and availability of funds, with priority given to least-developed countries and small island developing States Parties. Assistance shall be provided on an impartial basis. Consideration of applications shall also include an assessment of whether any existing alternative sources of assistance are available. All decisions on assistance from the trust fund shall take into account the size of the trust fund and the need for cost effectiveness in its use.

19. FAO shall provide assistance from the trust fund in an expeditious manner in accordance with paragraphs 16–18 of these Terms of Reference.

20. Assistance provided from the trust fund shall be applied by the applicant solely for the purpose specified in the application for assistance.

21. If an applicant wishes to apply such assistance for a purpose other than the purpose for which it is provided, the applicant shall submit an amended application for assistance. The amended application shall be submitted and considered in accordance with these terms of reference.

22. If assistance provided from the trust fund is not applied by an applicant for the purpose for which it is approved, the applicant shall notify FAO as soon as possible and take immediate steps to refund promptly the assistance to FAO. Failure to comply with these requirements shall affect the decision concerning any future application for assistance.

### **Reporting**

23. Recipients of assistance shall be required to provide a report in a standard format to FAO on the purpose and outcome of their approved expenditure. Failure to provide such a report promptly shall affect the decision concerning any future application for assistance.

24. A report on the activities of the trust fund to date, including a financial statement of the contributions to, and disbursements from, the trust fund shall be presented by FAO to meetings of the Ad Hoc Working Group established pursuant to Article 21, paragraph 6 of the Agreement.

### **Revision and review**

25. These terms of reference may be revised by the Ad Hoc Working Group if circumstances so require.

26. The Ad Hoc Working Group shall review periodically the activities of the trust fund with a view to assessing and evaluating the effectiveness of the assistance provided pursuant to these Terms of Reference.

### **Publicity**

27. FAO shall maintain on its Web site information on the trust fund, including details on application requirements and procedures, assistance provided, and links to other relevant Web sites. FAO should also explore ways to promote contributions to the trust fund and knowledge of the trust fund through regional fisheries management organizations and arrangements, multilateral donor organizations and international financial institutions.

**This document contains the report of the Informal Open-ended Technical Meeting to Review Draft Terms of Reference for the Ad Hoc Working Group Referred to in Paragraph 6 of Article 21 of the 2009 Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (the Agreement) and Draft Terms of Reference for an Appropriate Funding Mechanism referred to in Article 21 of the Agreement to Assist Developing States Implement the Agreement, which was held in Rome from 21 to 23 November 2011. At the request of the twenty-ninth session of the FAO Committee on Fisheries (COFI) (paragraph 33 of the session report), the meeting considered draft terms of reference for the Ad Hoc Working Group under Part 6 of the Agreement. These draft terms of reference were endorsed by the meeting. They will be referred back to COFI at its thirtieth session. The meeting also reviewed and endorsed draft terms of reference for funding mechanisms under Part 6 of the Agreement. This was done because the meeting recognized that both sets of draft terms of reference were interrelated. However, the draft terms of reference for funding mechanisms under Part 6 of the Agreement will be considered further and approved after the Ad Hoc Working Group is established by the States Parties.**